

04.07.2023
Item no.37.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 463 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No.430 of 2021 Dated 20.08.2021 under Sections 341/323/326/307/120B/34 of the Indian Penal Code read with Section 25(1-A)27 of the Arms Act and read with Section 34 of the Explosive Substances Act and corresponding to G.R. case no.464 of 2021.

And

In the matter of: Dinanath Barman & Ors.

.....Petitioners.

Mr. Anindya Ghosh for the Petitioners.

Mr. Kallol Acharjee,
Mr. Chattu Roy for the State.

The petitioners say that the incident was an outcome of political rivalry between two groups. There was a free fight between two groups. Two FIRs have been lodged. The first one was suo motu by the Police. About forty persons were named in that FIR. Most of whom have been granted bail. The present case relates to the second FIR. About 37 persons are named in the FIR.

Learned advocate for the petitioners says that the petitioners have not been named by the injured person in the statement recorded under Section 164 of the Criminal Procedure Code.

We have seen the material in the case diary produced by learned State advocate. Indeed, Section 164 statement of the injured person does not name the petitioners. The Injury Report is not available as yet.

On an overall assessment of facts and circumstances of the case and the nature and gravity of the offence as well as the extent of possible complicity of the petitioners in the alleged offence, we are of the view that custodial interrogation of the petitioners is not necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Dinanath Barman, Abuchhayed Ali, Khairul Haque, Sanowar Hossain and Sudhir Baman** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that they shall report to the Investigating Officer of the concerned police station once in a week until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 463 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)