

04.07.2023
Item no.40.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 466 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No.107 of 2023 Dated 25.03.2023 under Section 306 of the Indian Penal Code.

And

In the matter of: Biswanath Modak @ Shyamal.

.....Petitioner.

Mr. Sudip Guhafor the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
.....for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length. It is the case of the petitioner that the present accused petitioner is remotely connected with the alleged fact.

While opposing the prayer for anticipatory bail, learned advocate for the State draws our attention to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

On perusal of the entire material in the case diary, we prima facie, do not find any material as against the present accused petitioner to attract the provision of Section 107 of Indian Penal Code.

Such being the position and also keeping in mind that this is not a fit case for custodial interrogation, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Biswanath Modak @ Shyamal** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 he shall report to the Investigating Officer of the concerned police station once in a week till submission of Final Form.

In case the petitioner fails 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. 466 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.)