

(Allowed)

Drawing attention to the memo of evidence, learned advocate for the State submits that the present accused petitioner is the

person who fired the firearms for which the constable of police sustained gun-shot injury.

We have perused the entire materials as placed before us. The investigation is stated to have progressed in the mean time.

In our considered view, the custodial detention of the accused petitioner is neither necessary for investigation nor for trial. Accordingly, we allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Nirod Barman** 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 learned Additional Chief Judicial Magistrate, Dinhata 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 within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which it would be treated that this Court has passed no order of anticipatory bail. The petitioner shall meet the O.C./I.C. of Sitai Police Station once in a fortnight till conclusion of trial unless such condition has been relaxed by the learned Trial Court. Learned Additional Chief Judicial Magistrate, Dinhata shall act in the server copy of this order.

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. 468 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.)