

04.07.2023
Item no.43.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 470 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.154 of 2023 Dated 25.03.2023 under Sections 447/323/354/379/427/506/34 of the Indian Penal Code read with Section 25/27/35 of the Arms Act.

And

In the matter of: Abdul Jalil Haq @ Miah.

.....Petitioner.

Mr. Sudip Guha,
Mr. Pronajit Roy, for the Petitioner.

Mr. Tapan Bhattacharyaa,
 for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length.

Drawing attention to the written complaint, it is contended on behalf of the petitioner that with some oblique motive a civil dispute has been converted into a criminal litigation.

While opposing the prayer for anticipatory bail, it is contended on behalf of the State that the involvement of the present accused petitioner is found prima facie to be prominent and considering the early stage of investigation, the present application for anticipatory bail may be rejected.

On perusal of the entire material in the Case Diary, it appears that prima facie sufficient materials have been placed before us to substantiate that the alleged incident occurred on account of land dispute.

In the absence of any overt act on the part of the present accused petitioner in the alleged crime and 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, **Abdul Jalil Haq @ Miah** 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 and/or as and when called for 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. 470 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.)