

06.07.2023
Item no.50
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No.476 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Boxirhat Police Station Case No.195 of 2023 Dated 13.5.2023 under Sections 448/427/323/325/326/379/506/34 of the Indian Penal Code

And

In the matter of : Majibul Miah & Ors.Petitioners.

Mr. Subhasish Misra,
Mr. Swarup Dasfor the Petitioners.

Mr. Nilay Chakraborty,
Mr. Ujjwal Luksom,
Mr. Chattu Royfor the State.

Heard learned Advocate for the petitioners and learned Advocate for the State at length.

On perusal of the entire material in the case diary, especially the injury report of the victim, it appears that the injuries are simple in nature.

Such being the position, this Court considers that this is not a fit case for custodial interrogation.

Accordingly, in the event of arrest, the petitioners, namely Majibul Miah, Nasiruddin Miya, Siraj Miya and Hasanur Miah shall be released on bail upon furnishing a bond of Rs.2,000/- each, with one registered surety 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 the present accused petitioners shall not leave the district of Cooch Behar till submission in Final Form.

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.476 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)