

05.07.2023
Item no.82.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 486 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tufanganj Police Station Case No.629 of 2019 Dated 19.10.2019 under Sections 341/323/307/186/188/353/506/34 of the Indian Penal Code.

And

In the matter of: Manoj Barma & Anr.

.....Petitioners.

Mr. Sabir Ahmed,
Mr. Hillol Saha Poddar,
Ms. MousumiDasfor the Petitioners.

Mr. Nilay chakraborty,
Mr. Tapan Bhattacharjee,
.....for the State.

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

It is contended on behalf of the petitioners that out of political rivalry the present accused petitioners have been falsely implicated.

Learned advocate for the State, however, opposes the prayer for anticipatory bail.

On perusal of the entire material in the case diary it appears that prima facie there are some incriminating materials as against the present accused petitioners. However considering the fact that there is no serious injury/injuries to any victim at

the instance of the present accused petitioners, we are inclined to allow the application for anticipatory bail.

Accordingly, in the event of arrest, the petitioners, namely, **Manoj Barma and Rajib Sarkar** 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 the petitioners shall report to the Investigating Officer once in a week and/or as and when called for till submission of 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. 486 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.)