

50. 07.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 505 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Kotwali Police Station Case No. 422 of 2023** dated **28/04/2023** under Sections **448/379/506/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Dulal Ghosh**

...petitioner.

Mr. Hillol Saha Podder, Adv.,
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Tapan Bhattachrjee, Adv.,
Mr. Chattu Roy, Adv.

...for the State.

Heard learned Advocate for the petitioner as well as learned Advocate for the State at length.

It is contended that out of dispute between the neighbours, the present accused/petitioner has been falsely implicated in this case.

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

We have perused the entire material in the case diary. Admittedly, in the statements of the witnesses, the name of the present accused/petitioner is very much transpiring but, considering the fact 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, **Dulal Ghosh**, 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, 1973, until further orders and on further condition that the petitioner shall meet the Investigating Officer of this case as and when called for till submission in 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 CRM (A) 505 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)