

51. 07.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (A) 506 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Pundibari Police Station Case No. 297 of 2023** dated **02/05/2023** under Sections **341/323/325/326/307/506** of the Indian Penal Code, 1860.

And

In the matter of: - **Lajmul Haque & Anr.**

...petitioners.

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

...for the petitioners.

Mr. Kallol Acharjee, Adv.,
Mr. Dhiman Sil, Adv.

...for the State.

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

It is contended on behalf of the petitioners that considering the fact that the allegation as made out in the FIR is an outcome of a village dispute and also considering the fact that investigation has already been completed, prayer for anticipatory bail may be considered favourably.

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

We have perused the entire material in the case diary. Charge-sheet is stated to have been submitted. The injury reports of the victim show that the injuries of the victim are basically simple in nature.

Considering the entire circumstances, we are inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure, 1973, in favour of the present accused/petitioners.

Accordingly, in the event of arrest, the petitioners, namely, **Lajmul Haque** and **Laili Begam @ Laili Bibi**, shall be released on bail upon furnishing a bond of Rs.5,000/- each with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar 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 within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioners have to appear before the learned trial Court.

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 CRM (A) 506 of 2023 is thus allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)