

14.07.2023
Item no.24
Court No.1.
AB
(Allowed)

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

CRM (A) No.511 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.95 of 2023 Dated 26.2.2023 under Sections 341/323/326/354/506/34 of the Indian Penal Code

And

In the matter of : Imran Hossain @ Imran Haque

.....Petitioner.

Mr. Sandip Guha Roy,
Mr. Sudip Guhafor the Petitioner.

Mr. Abhijit Sarkar,
Mr. Chattu Royfor the State.

Leave is granted to learned Advocate on record for the petitioner to correct the section of IPC mentioned in the cause title of the petition by substituting Section 326 in place of Section 336.

The petitioner says that the incident was an outcome of a land dispute. He had no role to play in the incident.

We have seen the material in the case diary including statements of witnesses as well as the injury report. The petitioner says that two of the co-accused persons have already been granted anticipatory bail by the learned Trial Court.

On an overall assessment of the material on record, the nature of injury and the possible extent of complicity of the

petitioner in the alleged incident, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Imran Hossain @ Imran Haque 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 the present accused petitioner shall meet the Investigating Officer of the 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 C.R.M. (A) No.511 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.)

