

64. 07.07.2023
Court
No.1
b.r.

Allowed

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

CRM (A) 522 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Pundibari P.S. Case No. 285 of 2023** dated 28.04.2023 under Sections 448/325/326/427/307/34 of the IPC, 1860.

And

In the matter of: - **Subhash Murmu**

...petitioner.

Mr. Subhasish Misra

Mr. Swarup Das

...for the petitioner.

Mr. Aditi Sankar Chakraborty, Ld. APP

Mr. Sourav Ganguly

...for the State.

The petitioner says that the incident was an outcome of a political rivalry. Out of 18 accused persons he is at no.18. The main allegations are against the accused no.1. He has practically no role to play in the incident. He prays for anticipatory bail.

The State opposes the prayer for anticipatory bail.

We have seen the material in the Case Diary. There is no such material, *prima facie*, as would justify custodial interrogation of the petitioner, so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Subhash Murmu**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two sureties of like

amount each, one of whom must be local, 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 of Final Form.

In case the petitioner 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) 522 of 2023** is thus **allowed** and **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)