

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

24.08.2023
Court No.1
(D/L 11)
(AK)

CRM (DB) 464 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 14.08.2023 in connection with Dinhata Police Station Case No. 83 of 2022 dated 19.02.2022 under Sections 341/326/307/34 of the IPC,1860 read with Sections 25(1-A)/27 of the Arms Act, 1959.

And

In the matter of: **Ajoy Roy**

... Petitioner.

Mr. Arnab Saha

... for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee
Mr. Sourav Ganguly
Mr. Subhasish Misra

...for the State.

We have considered the relevant material placed before us including the statement of the injured person made under Section 161 of the CrPC. We find that there are two reports one by the State Health and Family Department which learned counsel appearing for the prosecution claims to be a Government Hospital and the second by Neotia Getwel, Siliguri. The manner of filling in the blanks in the second injury report is not satisfactory according to us. Since Neotia Getwel, is a hospital of repute, the report should have been more specific particularly since the allegation is of a gun-shot wound.

The statement made under Section 161 also does not implicate the petitioner but is a general statement of the person being injured by bombs and bullets coming from the direction of the petitioner's house.

We also note that the petitioner's mother filed a counter case against the P.S. case and further that the primary accused named in the FIR has already been granted bail by a coordinate Bench on 13th July, 2022. Admittedly, seven other co-accused have also been granted anticipatory bail by the learned Sessions Court, Cooch Behar.

We also note that the petitioner has remained in custody despite an order of bail granted by a coordinate Bench on 2nd August, 2023 in CRM(DB) 436 of 2023.

The above factors persuade us to grant the prayer for bail.

The petitioner shall accordingly be released on bail upon furnishing bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Dinhata. The petitioner shall not induce or influence witnesses or tamper with evidence in any manner whatsoever. The petitioner shall not leave the local limits of the concerned Police Station during the entire period of trial without obtaining leave from the learned Court and shall meet the I.O. once every week and cooperate fully with the investigation.

C.R.M.(DB) 464 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)