

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

24.08.2023
Court No.1
(D/L 12)
(AK)

CRM (DB) 466 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. 363 of 2023 dated 10.07.2023 under Sections 341/323/325/186/188/353/332/307/34 of the IPC, 1860 read with Sections 25/27 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 injury report and the allegations and counter-allegations made on behalf of the petitioner and the prosecution. The allegations relate to alleged poll violence/clashes between two political groups. While the petitioner claims to have videographed certain irregularities in the counting of votes, the prosecution claims that the petitioner threatened members of the rival political party with arms.

The petitioner was arrested on 21st July, 2023 and was remanded to police custody and thereafter in judicial custody. The petitioner has been in custody for 32 days.

Upon considering the relevant material-on-record including the statements made under 164 of the CrPC, we find no incriminating material against the petitioner with regard to the alleged offence. We also note that despite the petitioner being granted bail by a coordinate Bench on 2nd August, 2023 in CRM(DB) 436 of 2023, the petitioner continues to be in custody.

We also note that the de-facto complainant is a member of a political party.

The above considerations 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) 466 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)