

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

25.08.2023
Court No.1
Item.37
(sg/ks)

CRM (A) 642 OF 2023

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Dinhata Police Station Case No.83 of 2022 dated 19.02.2022 under Sections 341/ 326/ 307/ 34 of the Indian Penal Code read with Section 25(1-A)/27 of the Arms Act read with Sections 3/4 of the Explosive Substances Act.

And

In the matter of: Bithika Roy @ Barman & Ors.

.Petitioners.

Mr. Arnab Saha

For the Petitioners.

Mr. Tapan Bhattacharjee
Mr. Chattu Roy

For the State.

1. The three petitioners before us are the wife, brother and brother in law of the person, who has been released on bail by an order dated 24th August, 2023. A Co-ordinate Bench released one of the other 11 co-accused on bail on 13th July, 2022. We are also informed that 7 of the other co-accused have also been granted anticipatory bail by the learned Sessions Judge, Coochbehar.
2. Learned counsel appearing for the prosecution submits that the petitioners are named in the F.I.R. and there are statements under Section 161 of the Cr.P.C. on record.
3. We however of the view that the incident arose out of a political rivalry between two groups and since 9 of the 11 co-accused have already been released on bail/anticipatory bail, there is no requirement of the

custodial interrogation of the petitioners. We accordingly grant the prayer for anticipatory bail.

4. We accordingly direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioners shall cooperate with the investigation and make themselves available for questioning to the Investigating Officer once in a fortnight until further orders. The petitioners shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.
5. The application for anticipatory bail being CRM(A) 642 OF 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)