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

CRM (A) 659 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.08.2023 in connection with Dinhata Police Station Case No. 332 of 2022 dated 07.07.2022 under Sections 341/323/325/326/307/354/506/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

In the matter of : Mijanur Ahmed & Anr.

... petitioners

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy

...for the petitioners

Mr. Ujjal Luksom,
Ms. Namrata Das

...for the State

1. Learned counsel appearing for the petitioners submits that the principal accused has surrendered and obtained bail.

2. It is contended that the petitioner no. 1 was not involved in the alleged incident. Insofar as the petitioner no. 2 is concerned, the anticipatory bail application is not pressed in view of the said petitioner having already been arrested.

3. Learned counsel appearing for the State opposes the prayer for anticipatory bail and places reliance on the statement recorded under Section 164 of the Code of Criminal Procedure.

4. We are of the opinion that in view of the fact that one of the co-accused persons has already obtained bail, upon surrender, there is no particular reason to grant anticipatory bail to the petitioner no. 1. Leave is granted to the petitioner no. 1 to surrender before the jurisdictional court and obtained bail in regular course.

5. C.R.M. 659(A) of 2023 is, accordingly, dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)