

29.08.2023
Item no.25
Court No.01
Avijit Mitra

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

CRM (A) 664 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Ratan Barman & ors.

.... petitioners

Mr. Sudip Guha

....for the petitioners

Mr. Tapan Bhattacharya,

Mr. Chattu Ry

..... for the State

Apprehending arrest in connection with Sahebganj Police Station Case No.219 of 2023 dated 18.06.2023 under Sections 143/323/325/34 of the Indian Penal Code read with section 25(1-A)/27 of the Arms Act, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioners submits that there was a fight between the members of the two political parties at the time of filing of nomination papers in the panchayat election. The petitioners have been falsely implicated. No overt act has been attributed to the petitioners. In view thereof, the petitioners may be granted anticipatory bail on any stringent condition.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code, the seizure list and the contents of the complaint.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, the allegations appear to be omnibus in nature. Bearing in mind the nature of allegations in the light of the submissions as advanced on behalf of the respective parties, the extent of complicity of the petitioners and as there is no medical report on record, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Ratan Barman, Niranjana Barman and Ajit Mohanta** 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 whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioners shall meet the Investigating Officer of the case once a week until investigation is complete.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses.

The application for anticipatory bail CRM (A) 664 of 2023 is disposed of.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)

