

29.08.2023
Court No.01
rpan/ 31

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

CRM (A) 672 of 2023

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

And

In Re: Rajib Oraon

- Petitioner

Mr. Sudip Guha
...for the Petitioner.

Mr. Sourav Ganguly,
Mr. Arjun Chowdhury
...for the State.

Apprehending arrest in connection with Alipurduar Police Station Case No.196 of 2023 dated 06.06.2023 under Sections 306/34 of the Indian Penal Code, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is not in any manner involved in the alleged offence. The complaint was lodged by the deceased's father levelling specific allegations against the wife of the petitioner. No specific overt act has been attributed to the petitioner. In the said conspectus, the petitioner's custodial interrogation is not necessary and he may be granted anticipatory bail.

Mr. Ganguly, learned advocate appearing for the State, however, vehemently opposes such submission of Mr. Guha and submits that there are strong incriminating materials on record against the petitioner. The petitioner, in fact, was instrumental

towards demand and extortion of money from the deceased. As such, the petitioner's prayer needs to be refused, more so when investigation is not yet complete.

We have heard the learned advocates appearing for the respective parties and considered the materials on record, the statements of the witnesses, as recorded under Section 161 of the Code and the contents of the complaint.

Prima facie, no specific overt act has been attributed to the petitioner. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Rajib Oraon** shall be released on bail upon furnishing a bond of Rs.10,000/- 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 direction that the petitioner shall meet with the Investigating Officer of the case once a week till the conclusion of the investigation.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

The application for anticipatory bail, being CRM (A) 672 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.)