

29.08.2023
Item no.39
Court No.01
P.P./S.D.

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

CRM (A) 680 of 2023

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

And

In Re : Partha Sarathi Barman & Anr.

.... Petitioners

Mr. Sudip Guha

Mr. Sandip Guha Roy

....for the petitioners

Mr. Ujjal Luksom

Mr. Namrata Das

..... for the State

Apprehending arrest in connection with Sitalkuchi Police Station Case No.148 of 2022 dated 4.6.2022 under Sections 341/323/325/313/354/506/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioners submits that the petitioners are brothers and they have been falsely implicated in view of an existing land dispute amongst the parties. No specific overt act has been attributed to the petitioners and the principal accused has already been granted bail by a Coordinate Bench of this Court. In the said conspectus, the custodial interrogation of the petitioners may not be necessary.

Ms. Das, learned counsel appearing for the State opposes Mr. Guha's prayer and draws our attention to the

statement of the victim lady/defacto complainant as recorded under Section 164 of the Cr.P.C. as well as the medical report.

Answering our query, she, however, submits that upon completion of investigation chargesheet has been submitted.

We have heard the learned advocates and considered the materials on record including the medical report and the statement of the victim lady/defacto complainant as recorded under Section 164 of the Cr.P.C.

Prima facie, no specific overt act has been attributed to the petitioners. Upon completion of the investigation, chargesheet has also been submitted and as such we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow the prayer for anticipatory bail of the petitioners.

We direct that in the event of arrest, the petitioners namely, **Partha Sarathi Barman and Gautam Barman @ Goutam Barman**, 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.

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

The application for anticipatory bail CRM (A) 680 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.)