

AD-25
Ct No.01
Jalpaiguri
14.09.2023
B.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 725 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 30.08.2023 in connection with Sitalkuchi Police Station Case No. 193 of 2023 dated 30.06.2023 under Sections 143/341/324/325 of the Indian Penal Code, 1860

And

In the matter of: MANOJ ADHIKARY AND ANR.

...petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioners

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee

... for the State

1. The petitioners contend that there was a political rivalry between the petitioners and the complainant. That apart, the complaint by the de facto complainant against the petitioners was lodged subsequent to the petitioners' lodging a complaint against them.
2. Apart from such angle of backlash, it is argued that 13 co-accused persons have been granted anticipatory bail.
3. Although learned counsel for the State opposes the prayer for anticipatory bail on the ground that the petitioners were

specifically named in the complaint to have committed assault, it transpires that only the present petitioners out of the other co-accused persons were contesting the Panchayat Elections and much could be at stake if they were indicted in criminal cases. That apart, the question of political rivalry and backlash cannot be ruled out in view of the fact that the complaint against the petitioners was lodged subsequent to that lodged by the petitioners themselves.

4. In such view of the matter, CRM (A) 725 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
5. In the event of arrest, the petitioners shall be released on bail upon furnishing bonds of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The sureties may be common in respect of all the petitioners. Further, the petitioners shall make themselves available if so required for the purpose of investigation by the Investigating Officer.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)