

8.09.2023
Item no.7
Court No.01
P.P./S.D.

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

CRM (A) 726 of 2023

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

And

In the matter of: Asraful Bapari

.... Petitioner

Mr. Subhasish Misra
Mr. Swarup Das
Mr. Satyajit Paul

....for the petitioner

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

..... for the State

Apprehending arrest in connection with Sahebganj Police Station Case No.178 of 2021 dated 03.05.2021 under Sections 143/186/188/153/332/333/307/504 of the Indian Penal Code read with Section 3 of PDPP Act, 3/4 of Explosive Substance Act, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioner submits that he has been falsely implicated. No specific overt act has been attributed to him and similarly situated accused persons, namely Manik Paul @ Prabhat Paul and Vuttu Mahanta @ Gour Chandra Mahanta had already been granted anticipatory bail by the learned Sessions Judge. Upon completion of investigation, chargesheet has also been

submitted and as such custodial interrogation may not be necessary.

Mr. Bhattacharjee, learned advocate appearing on behalf of the State opposes the petitioner's prayer and submits that there are incriminating materials on record against the petitioner and his prayer needs to be refused.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. Bearing in mind the nature of accusations, the possible extent of complicity of the petitioner in the alleged offence and taking note of the injury report, we are of the opinion that custodial interrogation of the petitioner may not be necessary more so, when upon completion of investigation, chargesheet has been filed. In view thereof, the petitioner's prayer for anticipatory bail is allowed.

We direct that in the event of arrest, the petitioner namely, **Asraful Bapari** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 further condition that the petitioner shall attend the learned Court below on all the dates fixed for hearing

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

The application for anticipatory bail CRM (A) 726 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.)