

AD-26
Ct No.01
Jalpaiguri
14.09.2023
B.Pal

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

CRM (A) 727 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 Dinhata Police Station Case No. 223 of 2023 dated 08.05.2023 under Sections 448/323/354/379/307/427/506/34 of the Indian Penal Code and read with Section 25/27 of the Arms Act and corresponding to G.R. Case No.231 of 2023.

And

In the matter of: ATIKUL RAHAMAN @ HAQUE AND ORS
...petitioners

Mr. Sudip Guha,
... for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag
... for the State

1. Learned counsel for the petitioners contends that the petitioners are the victims of a family feud.
2. It is submitted that the allegations against the petitioners are not substantiated. One of the co-accused persons was arrested and granted bail.
3. Learned counsel for the State opposes the prayer for anticipatory bail and places reliance on the arms report which indicates that arms were recovered from the spot.

4. We find from the arguments and records that the allegations against the petitioners are substantiated only by the statement under Section 161 of the Cr. P.C. at the present juncture. That apart, there is no allegation that arms were recovered from the persons of the petitioners.
5. In such view of the matter, there is no reason why the benefit of anticipatory bail should not be granted to the petitioners. Accordingly, CRM (A) 727 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.
6. 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.
7. Further, the petitioners shall make themselves available during the period of investigation, as and when required, to meet the Investigating Officer and cooperate with the investigation process.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)