

AD-27
Ct No.01
Jalpaiguri
14.09.2023
B.Pal

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

CRM (A) 728 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 31.08.2023 in connection with Haldibari Police Station Case No. 141 of 2023 dated 08.07.2023 under Sections 147/148/149/353/333/326/307 and 506 of the Indian Penal Code, 1860.

And

In the matter of: DINABANDHU ROY AND ORS

...petitioners

Mr. Arijit Ghosh,
Mrs. Swarnali Ghosh

... for the petitioners

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee

... for the State

1. Learned counsel for the petitioners submits that the alleged offence against the petitioners is unsubstantiated and it has been alleged that one of the police personnel present received a thumb injury. Apart from that, political slogans were being raised by the petitioners who had assembled in a particular place and belong to a particular political party, not being the ruling party of the State.
2. Learned counsel for the State opposes the prayer for anticipatory bail.

3. However, keeping in view the nature of the allegations against the petitioners and their antecedents, we are inclined to grant anticipatory bail to the petitioners.
4. Accordingly, CRM (A) 728 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.5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer.
6. Further, the petitioners shall make themselves available, as and when necessary, for the purpose of cooperating with the Investigating Officer and present themselves if so called by the Investigating Officer.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)