

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

10.01.2023
Court No.1
(skb 50)

CRM(A) 598 of 2022
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Dinhata Police Station Case No. 371 of 2022 dated 03.08.2022 under Sections 447/341/323/324/325/326/307/427/506/34 of the Indian Penal Code and read with Sections 25/27 of the Arms Act and read with Sections 3/4 of the Explosive Substances Act.

And

In the matter of: **Jaydip Ghosh and another**

. **Petitioners.**

Mr. Debasish Ray,
Mr. Sudip Guha

... For the Petitioners.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy

... For the State.

The petitioners are two amongst 29 persons named in the FIR who entered into a party office of a particular political party and assaulted the victim initially by fist and blows subsequently, bows and arrows were used. However, nothing was recovered from the petitioners. The victim in his statement under Section 164 of the Cr.P.C. also did not disclose their names. Investigation is still going on.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

However, considering the facts and circumstances of the case and the statement of the victim, we are inclined to extend the protection of Section 438 of the Cr.P.C. to the petitioners.

We accordingly direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties each of like amount to the satisfaction of the Arresting Officer and also to comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioners shall join the investigation and shall not interfere with any witnesses or tamper with any evidence in any manner whatsoever.

The application for anticipatory bail being CRM(A) 598 of 2022 is allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY, J.)

(MOUSHUMI BHATTACHARYA, J.)