

D/L. 33.
September 14, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 737 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 01.09.2023 in connection with Dinhata Police Station Case No. 206 of 2023 dated 28.04.2023 under Sections 341/448/325/326/307/427/506/120B/34 of the Indian Penal Code, 1860.

And

In the matter of: Hafijar Rahaman and others

.... petitioners

Mr. Sudip Guha

... for the petitioners

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioners submits that the petitioners were implicated in an offence due to political rivalry between two factions of the same political party.
2. Other co-accused on similar footing, it is submitted, were granted anticipatory bail by a co-ordinate Bench.
3. Learned counsel for the State opposes the prayer for anticipatory bail and submits that the petitioners are not on equal footing as those who obtained anticipatory bail.
4. It is contended that the injuries inflicted by the petitioner were of grievous nature.

5. We find from a perusal of the statements given by the witnesses that several persons were present, including those who were granted anticipatory bail by the co-ordinate Bench..
6. Hence, we do not find any reason to deprive the petitioners equal benefit on the ground of parity as the persons who have obtained anticipatory bail.
7. Moreover, we agree with the reasoning of the co-ordinate Bench in the order dated August 22, 2023 that custodial interrogation of the petitioners is not required.
8. Accordingly, CRM (A) 737 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.
9. In the event of arrest, the petitioners shall be released on bail upon furnishing individual bond 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.
10. Further, the petitioners shall make themselves available for such investigation, if so required by the Investigating Officer, throughout the period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)