

D/L. 37.
September 14, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 744 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Dinhata Police Station Case No. 219 of 2023 dated 07.05.2023 under Sections 448/323/379/506/34 of the Indian Penal Code, 1860 read with Sections 25/27 of Arms Act.

And

In the matter of: Mijanur Haque and others

.... petitioners

Mr. Sudip Guha

... for the petitioners

Mr. Nilay Chakraborty,
Mr. Arjun Chowdhury

... for the State

1. Learned counsel for the petitioners argues that 31 persons were named in the FIR, including the petitioners.
2. It is contended that the petitioners were not directly involved even as per the complaint lodged. That apart, the complaint was an outcome of a political tussle between the persons present at the place of occurrence.
3. Learned counsel for the State opposes the prayer for anticipatory bail.
4. It transpires that the question of political rivalry and tussle between the parties cannot be ruled out.

5. Hence, we are inclined to grant anticipatory bail to the petitioners.
6. Accordingly, CRM (A) 744 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.
7. In the event of arrest, the petitioners shall be released on bail upon furnishing 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. The sureties may be common for all the petitioners.
8. The petitioners shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall make themselves available for such investigation as and when required to do so.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)