

October 10, 2023.

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

CRM(A) 769 of 2023

In re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 28.8.2023 in connection with Sitalkuchi Police Station Case No. 107 of 2023 dated 15.04.2023 under Sections 341/325/326/34 of the IPC.

In the matter of: Mithun Sarkar & Ors.

.... Petitioners.

Mr. Hillol Saha Poddar

... for the Petitioner.

Mr. Tapan Bhattacharjee,
Mr.Dhiman Sil

... for the State.

Heard learned Advocates appearing for the parties.

This is an application for anticipatory bail.

Perused the case diary and other materials on record. The incident allegedly occurred in presence of the direct witnesses. Other co-accused has been given benefit under Section 438 Cr.P.C. by a Co-ordinate Bench.

Learned Advocate appearing for the State vehemently opposes the prayer for pre-arrest bail of the present petitioners.

Considering these aspects, we are of the view that the present petitioners are also entitled to get benefit under Section 438 Cr.PC.

In the event of arrest, the petitioners may find bail upon furnishing a bond of Rs.10,000(Rupees Ten Thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the

ACJM, Mathabanga subject to the condition that the petitioners shall meet the Investigating Officer once in a fortnight until further order of this court. The petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Partha Sarathi Chatterjee, J.)

(Md. Nizamuddin, J.)