

29.09.2023.

Item No. 32

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 824 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 14.09.2023 in connection with Dinhata Police Station Case No. 516 of 2023 dated 09.09.2023 under Sections 447/341/323/307/427/506/34 of the Indian Penal Code read with Sections 25 and 27 of the Arms Act, 1959.

And

In the matter of: **Dayal Barman.** ...petitioner

Mr. Sayak Chakraborti,
Mr. Wrickbrata Roy. ...For the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag.For the State

1. Anticipatory bail is sought on the grounds that although FIR mentions use and discharge of firm arms, no such arms have been seized. The injury report does not reflect any bullet wound.

2. It appears from the records that the dispute is a result of a political rivalry. It further appears from the records that there are also no visible external injuries on the victim.

3. In the above circumstances, the prayer for anticipatory bail of the petitioner is allowed.

4. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a Bond of Rs.10,000/-

with two sureties of Rs.5,000/- each, one of whom must be local subject to the condition that the petitioner shall co-operate with the investigation as and when called for until further order of this Court.

5. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

6. The Case Diary be returned.

7. C.R.M. (A) No. 824 of 2023 is allowed and disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)