

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

10.10.2023.
27/pm

C.R.M.(A) 840 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 18.09.2023 in connection with New Jalpaiguri P.S case no. 394 of 2023 dated 03.05.2023 under Sections 447/323/325/307/506/34 of the Indian Penal Code and corresponding to G R Case No. 2181 of 2023.

Allowed

In Re : Sanatan Barman petitioner

Mr. Sudip Guha,
Mr. Sandip Guha Roy
..... for the petitioner

Mr. Kallol Acharjee,
Mr. Biswarup Roy,
..... for the State

Heard learned advocates appearing for the respective parties. Perused the Case Diary and other materials on record.

It is the case of the petitioner that the petitioner is standing on the same footing as of other co-accused persons who have already been granted bail by the learned Sessions Judge concerned.

Learned advocate representing the State could not produce any order to show that the order of the learned Sessions Judge granting bail to other co-accused have been further challenged at any point of time and also does not deny the submission of the petitioner that petitioner is standing on the same footing as of other co-accused. He submits that in this case charge-sheet has already been submitted.

On such hearing and on perusal of the records and considering the facts and circumstances of this case, we are of the view that custodial interrogation of the present petitioner is not required and the benefit under Section 438 of the Code can be extended to the petitioner.

In the event of arrest, the petitioner may find bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand), with two sureties of like amount each to the satisfaction of the learned CJM, Jalpaiguri. The petitioner will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM (A) 840 of 2023 is disposed of.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)