

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

10.10.2023.
29/pm

C.R.M.(A) 843 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.09.2023 in connection with Sitalkuchi P.S case no. 242 of 2023 dated 16.08.2023 under Sections 341/323/326/307/34 of the Indian Penal Code and read with Section 25/27 of the Arms Act.

Allowed

In Re : Abul Hossain Miya & Anr. petitioners

Mr. Debajit Kundu

..... for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das,
Mr. Sagnik Sankar Sikdar

..... for the State

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

This is an application for anticipatory bail.

Petitioners/accused persons are the father and brother of the principal accused and there is no specific allegation or any direct involvement in the alleged offence

Learned advocate for the petitioner submits that another co-accused being the mother of the principal accused is already on bail and he has annexed such order to this application.

Considering the facts and circumstances of this case we are of the view that the petitioners have been able to make out a case for consideration under Section 438 of the Code of Criminal Procedure.

In the event of arrest, the petitioners may find bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand), each

with two sureties of equal amount each to the satisfaction of the learned ACJM, Mathabhanga subject to the conditions that the petitioners shall meet the Investigating Officer once in a month until further order of this Court. Petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM (A) 843 of 2023 is disposed of.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)