

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

10.10.2023.
32/pm

C.R.M.(A) 848 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 Mirik P.S case no. 97 of 2017 dated 21.08.2017 corresponding to G.R. Case No. 234 of 2017 under Sections 143/147/149/407/436 of the Indian Penal Code read with Sections 9 and 10 of the West Bengal Maintenance of Public Order Act, 1972.

Allowed

In Re : Sri Sumat Tamang & Ors. petitioners

Mr. Pratysha Dutta Chowdhury,
Ms. Rajdeep Das

..... for the petitioners

Mr. Sourav Ganguly,
Mr. Subhasish Mishra,

..... 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 under Section 438 of the Code of Criminal Procedure. It appears from the record that the alleged offence took place on 21st August, 2017 that is almost more than six years back and the charge-sheet has already been submitted.

Learned advocate appearing for the State fairly enough submits that the name of the co-accused does not appear in the FIR and from the statement of 161 of the Code and for the first time the name of the accused has been included in the charge-sheet.

Considering the facts and circumstances of this case that since the incident took place more than six years back and

the crime is not of heinous nature and that the charge sheet has already been submitted we are of the considered view that petitioner has been able to make out a case for consideration of application 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 individually, with two sureties of like amount each to the satisfaction of the learned ACJM, Kurseong. The petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM (A) 848 of 2023 is disposed of.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)