

October 10, 2023.

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

CRM(A) 863 of 2023

In re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 22.9.2023 in connection with New Jalpaiguri Police Station Case No. 671 of 2023 dated 08.07.2023 under Sections 341/321/326/307/354/34 of the IPC.

In the matter of: Anamul Hoque @ Enamul Haque & Ors.
.... Petitioners.

Mr. Sudip Guha,
Mr. Sandip Guha Roy

... for the Petitioners.

Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil

... for the State.

Heard learned Advocates appearing for the parties.

This is an application for anticipatory bail under Section 438 of the Cr.P.C. The case of the petitioner is that the alleged incident arises out of a political dispute between the two parties and two other co-accused persons have already been granted bail by the order of this court dated 5th October, 2023 in CRM(DB) No.621 of 2023. Petitioners submit that the petitioners are standing on the same footings. It also appears that the incident occurred in presence of the direct eye witnesses.

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

Perused the case diary and other materials on record.

Considering aforesaid order of the Co-ordinate Bench of this court dated 5th October, 2023, we are of the view that since the petitioners are standing on the same footings, the present petitioners are entitled to get the benefit under Section 438 Cr.P.C. and the custodial interrogation of the petitioners is not required.

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 CJM, Jalpaiguri subject to the condition that the petitioners shall meet the Investigating Officer once in a month 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.)