

October 10, 2023.

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

CRM(A) 866 of 2023

In re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 20.9.2023 in connection with New Jalpaiguri Police Station Case No. 810 of 2023 dated 20.08.2023 under Sections 448/323/324/354/506 of the IPC.

In the matter of: Samrat Barma @ Riki
.... Petitioner.

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. It is a case of tussle between the two groups. The incident allegedly occurred in presence of direct eye witnesses.

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

Perused the case diary and other materials on record.

Considering facts circumstances of the case as also considering the nature of injury, we are of the view that the petitioner is entitled to get the benefit under Section 438 Cr.P.C. and the custodial interrogation of the petitioner is not required.

In the event of arrest, the petitioner may find bail upon furnishing a bond of Rs.10,000(Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Ld.

CJM, Jalpaiguri subject to the condition that the petitioner shall meet the Investigating Officer once in a month until further order of this court. The petitioner 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.)