

AD-210
Ct No.01
Jalpaiguri
30.01.2023
TN

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

CRM (A) 726 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No. 166 of 2019 dated 27.03.2019 under Sections 302/34 IPC, corresponding to GR No. 171 of 2019.

And

In the matter of: Sahid Ali

.... petitioner

Mr. Subhasish Misra

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Acharjee

... for the State

The petitioner submits, through his learned counsel, that the two other co-accused persons than the petitioner have already been enlarged on bail. Moreover, although several allegations were made, including those under Sections 306 and 34 of the Indian Penal Code, against the petitioner, the complaint itself reveals that the victim girl died by suicide.

We find from the materials on record that there is no reason to discriminate between the petitioner and the other co-accused persons who are already on bail. Moreover, we do not find at this stage that sufficient materials have been disclosed to incriminate the petitioner.

Accordingly, CRM (A) 726 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata, Cooch Behar and on any other condition which the competent court may then deem fit.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)