

AD-212&217
Ct No.01
Jalpaiguri
30.01.2023
TN

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

CRM (A) 729 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.12.2022 in connection with Sitalkuchi Police Station Case No. 56 of 2022 dated 20.03.2022 under Sections 447/341/325/326/307/34 IPC, with added Section 302 IPC, corresponding to GR Case No. 281 of 2022.

And

In the matter of: Muna Miya and others

.... petitioners

With

CRM (A) 734 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.12.2022 in connection with Sitalkuchi Police Station Case No. 56 of 2022 dated 20.03.2022 under Sections 447/341/325/326/307/34 IPC, with added Section 302 IPC, corresponding to GR Case No. 281 of 2022.

And

In the matter of: Aminur Mia @ Amul Islam

.... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

... for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... for the State

CRM (A) 729 of 2022 and CRM (A) 734 of 2022 are taken up for hearing together in view of the unity of the case diary in both the cases.

The allegations against the petitioners in both the said anticipatory bail applications arise from the same chain of alleged events.

It is submitted on behalf of the petitioners in both the cases that initially there was a tussle between the petitioners and a different family which resulted ultimately in a resolution by way of a village salish.

However, subsequently there was a hot altercation, which resulted in the demise of the victim. Yet, no allegations were specifically levelled against the present petitioners, it is argued.

Learned counsel for the State opposes the prayer for anticipatory bail.

However, upon going through the materials on record, we find that several other co-accused persons were enlarged on bail, with whom the present petitioners stand on a similar footing. Moreover, we do not find anything on record to clinch the allegations made against the petitioners.

Accordingly, the petitioners are entitled to anticipatory bail.

Hence, CRM (A) 729 of 2022 and CRM (A) 734 of 2022 are allowed, thereby granting anticipatory bail to all the petitioners in both the applications on condition that the petitioners shall comply with the provisions of Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners in both the applications shall be released on bail upon furnishing bond of Rs.10,000/- by each of the petitioners, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief

Judicial Magistrate, Mathabanga and on any other condition which the competent court may then deem fit. The sureties may be common to all the petitioners.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)