

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

16.10.2023.
3/pm

C.R.M.(A) 884 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 06.10.2023 in connection with Haldibari P.S case no. 175 of 2023 dated 31.07.2023 under Sections 341/325/326/307/506/34 of the Indian Penal Code.

Allowed

In Re : Raju Roy petitioner

Mr. Jaydeep Kanta Bhwmik,
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar,
Mr. Tushar Debnath

..... for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

..... for the State

Learned advocate for the petitioner submits that the co-accused has been given benefit under Section 438 of the Code of Criminal Procedure but the prayer for pre-arrest bail has been turned down in respect of the present petitioner. He submits that custodial interrogation of the present petitioner is not necessary and the present petitioner can be extended benefit under Section 438 of the Code of Criminal Procedure.

Learned advocate for the State opposes the prayer for anticipatory bail of the petitioner.

Heard learned advocates appearing for the respective parties. Perused the Case Diary and other materials on record including the injury report and considering the same prima

facie it appears that there is no specific allegation against the present accused persons.

On such hearing and on perusal of the records and considering the facts and circumstances of this case and nature of the injury, we are of the view that custodial interrogation of the petitioner is not required and the benefit under Section 438 of the Code can be extended to the petitioner.

In the event of arrest, the petitioner may find bail upon furnishing a bond of Rs. 5,000/- (Rupees five thousand), with two sureties of equal amount each to the satisfaction of the learned ACJM, Mekhliganj subject to the conditions that the petitioner shall meet the Investigating Officer once in a fortnight until further order of this Court. Petitioner will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM (A) 884 of 2023 is disposed of.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)