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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 740 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.12.2022 in connection with Alipurduar Police Station Case No. 231 of 2021 dated 21.07.2021 under Sections 341/326/307 read with Sections 379/411/34 of the Indian Penal Code.

In the matter of : Monojit Adhikari @ Adhikary

... Petitioner

Mr. Bablu Mitra,
Mr. Subhasish Misra

...for the Petitioner

Mr. Abhijit Sarkar,
Ms. Namrata Das

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that the petitioner was not named either in the complaint or in any other material on record apart from the statement recorded under Section 161 of the Code of Criminal Procedure of a co-accused person. It is submitted that the complaint was a result of a previous enmity and was lodged as a vendetta. It is also submitted that there is no eye-witness and that the charge sheet in the matter has already been submitted.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that there is at least one eye-witness to the incident.

Learned counsel also cites an order dated January 11, 2022 of a coordinate Bench, by which the present petitioner's previous application for anticipatory bail had been rejected.

It transpires that at the juncture when the coordinate Bench refused anticipatory bail to the petitioner, the investigation was still in progress.

However, as of now, the charge sheet has already been submitted and, as such, we do not feel any specific purpose would be served in refusing the anticipatory bail to the petitioner.

Accordingly, CRM (A) 740 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated 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. 5,000 (Rupees five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar and on further condition that the petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)

