

12.10.2023
PB, 20.

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

CRM (A) 886 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Alipurduar P.S. Case No.174 of 2023 dated 20.06.2023 under Sections 341/323/325/326/307/379/506/34 of the Indian Penal Code.

And

In the matter of: Premananda Barman @ Prema Barman & Anr.

.... petitioners

Ms. Mousumi Das.

.....for the petitioners.

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary.

.....for the State.

Learned advocate for the petitioner submits that charge sheet has been submitted and there is no scope of custodian interrogation of the present petitioner and hence benefit of Section 438 Cr.P.C. can be given to the present petitioner.

Learned advocate for the State vehemently opposes the prayer for anticipatory bail of the petitioner. We have perused the case diary and other materials on record and the injury report containing at page 34 of the case diary which speaks that nature of injury is simple. Considering these aspects, we are of the view that benefit under Section 438 of the Cr.P.C. can be extended to the petitioner.

In the event of arrest, the petitioner may be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount one of whom must be local, to the satisfaction of the learned CJM, Alipurduar. The petitioner shall meet the investigation officer once in a month until further order of this Court and shall also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

With this observation and direction, the application being CRM(A) 886 of 2023 is disposed of.

(Md. Nizamuddin, J.)

(Partha Sarathi Chatterjee, J.)