

D/L 214
January 31, 2023
MNS

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

CRM (A) 745 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Mathabhanga Police Station Case No. 428 of 2021 dated 29.07.2021 under Sections 143/341/323/325/326/427/307 of the Indian Penal Code, 1860 and read with 25/27 of the Arms Act, 1959 and read with 51 of the Disaster Management Act, 2005.

And

In the matter of: Asraful Alam @ Saddam and others

.... petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioners

Mr. Kallol Acharjee,
Mr. Saikat Chatterjee

... for the State

Learned counsel for the petitioner contends that the petitioners belong to a rival political party vis-à-vis the alleged victim.

It is submitted that due to such political vendetta, the complaint was lodged against several supporters of the petitioners' party in the locality, including the petitioners.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioners and submits that in the statement of the victim the petitioners were specifically named. It is also submitted that the investigation has been completed in the present case.

In such circumstances, since the scope of political vendetta cannot be ruled out entirely in the present case and keeping in view of

the fact that the investigation is already completed, no useful purpose would be subserved by custodial interrogation of the petitioners in the present case.

Accordingly, CRM (A) 745 of 2022 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.5,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga. The sureties may be common in the case of all the petitioners. The petitioners shall attend the trial as and when so required.

CRM (A) 745 of 2022 is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)