

October 18, 2023.

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Sl/5**

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

CRM(A) 889 of 2023

In re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 13.10.2023 in connection with Dinhata Police Station Case No. 223 of 2023 dated 08.05.2023 under Sections 448/323/254/379/307/427/506/34 of the IPC read with Section 25/27 of the Arms Act.

In the matter of: Samad Ali & Ors.

.... Petitioners.

Mr. Sandip Guha Ray

... for the Petitioners.

Mr. Kallol Acharjee,
Ms. Sukanya Adhikary

... for the State.

Heard learned Advocates appearing for the parties.

This is an application for anticipatory bail under Section 438 of the Cr.P.C.

The case of the present petitioners is that the other co-accused persons have already been granted anticipatory bail by the order of this court dated 10th October, 2023 in CRM(A) 793 of 2023 and the present petitioners are standing on the same footing like the other co-accused persons who have already been granted anticipatory bail.

Learned Advocate appearing for the State could not deny the fact that the present petitioners are standing on the same footing like the other co-accused persons who have already been granted anticipatory bail and he could not produce any medical certificate/medical documents relating to

injury if any, in this case which is quite strange and says that it is not found.

Considering these aspects and upon hearing the learned Advocates for the respective parties, we are of the view that the custodial interrogation of the present petitioners is not necessary and the petitioners are entitled to get the benefit under Section 438 Cr.P.C.

In the event of arrest, the petitioners may find bail upon furnishing a bond of Rs.10,000(Rupees Ten Thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Ld. ACJM, Dinhata subject to the condition that the petitioners shall meet the Investigating Officer once in a month . The petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

The application being CRM(A) 889 of 2023 is disposed.

(Partha Sarathi Chatterjee, J.)

(Md. Nizamuddin, J.)