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

CRM (A) 771 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.12.2022 in connection with Kotwali Police Station Case No. 777 of 2022 dated 11.11.2022 under Sections 341/307/34 of the Indian Penal Code.

In the matter of : Srikanto Roy @ Kanto Roy

... petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

...for the petitioner

Mr. Kallol Acharjee,
Mr. Sourav Ganguly

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner submits that the co-accused person is on bail.

Learned counsel for the State opposes the prayer for bail and submits that the investigation is not yet complete. Moreover, the injury report, coupled with the statement recorded under Section 161 of the Code of Criminal procedure, implicate the petitioner squarely.

Be that as it may, the petitioner cannot be deprived of his right to equality in view of the co-accused, standing on the same footing, having already been granted bail.

Hence, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 771 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 Chief Judicial Magistrate, Jalpaiguri and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight and cooperate with the investigation and make himself available in the event so required to be present by the Investigating Officer during the entire period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)