

23.11.2023

Serial no. 09

(Anticipatory bail)

(Allowed)

(Dd)

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

CRA(A) 898 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Dinhata** Police Station Case No. **554** of **2023** dated **29.09.2023** under Sections **302/120B** of the IPC (GR-589/23).*

-And-

In the matter of : **Saratulla Miah @ Sharatulya Miya**
... .. Petitioner

*Mr. Jagriti Mishra,
Mr. Sabir Ali,
Ms. Ananya Bhattacharya,
Mr. Raj Kumar Mitra,
Ms. Mrinmayee Das, Advocates
... .. For the Petitioner*

*Mr. Tapan Bhattacharjee,
Mr. Aniruddha Biswas, Advocates
... ..For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There was no eye-witness to the incident claiming that the petitioner was involved therein.

Learned advocate appearing for the State submits that the victim was an informant about the involvement of the petitioner and that his family members in the narcotics trade. Consequent upon such information, the son of the petitioner was arrested in a narcotic case. The murder was committed by the petitioner and his family members as a retaliation to the implication by the victim of the son of the petitioner in a

narcotic case. Police recovered the offending weapon on the leading statements made by the son of the petitioner.

We perused the case diary. Apparently, there is no eye-witness to the incident.

Police are proceeding on the basis of the circumstantial evidence as against the petitioner.

Petitioner is not involved in the NDPS case which the prosecution speaks of. NDPS case is as against the son of the petitioner.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRA (A) 898 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)