

D/L 224
February 2, 2023
MNS

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

CRM (A) 794 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Boxirhat Police Station Case No. 447 of 2021 dated 14.12.2021 under Sections 147/148/149/325/326/307/506/34 of the Indian Penal Code, 1860.

And

In the matter of: Gautam Saha and others

.... petitioners

Mr. Sudipa Guha

... for the petitioners

Mr. A. S. Chakraborty,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioners submits that five co-accused have already been granted anticipatory bail.

Learned counsel for the State opposes the prayer for anticipatory bail.

However, it transpires that the injury report does not incriminate the petitioners directly.

As such, particularly considering the fact that five other co-accused persons on equal footing as the petitioner have already been granted anticipatory bail, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, CRM (A) 794 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 individual bonds of Rs.2,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tufanganj. The sureties may be common for all the petitioners. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall make themselves available in the trial in the event the petitioners' attendance is necessary in trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)