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

CRM (A) 795 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. 443 of 2021 dated 11.12.2021 under Sections 147/148/149/325/326/307/506/34 of the Indian Penal Code.

In the matter of : Kamal Saha and others

... petitioners

Mr. Arjun Chowdhury,
Mr. Sudip Guha,
Ms. Pratusha Dutta Chowdhury

...for the petitioners

Mr. Saikat Chatterjee,
Mr. Chattu Roy

.....for the State.

Learned counsel appearing for the petitioners contends that other co-accused persons have already been obtained anticipatory bail. That apart, it is contended that the allegations were the outcome of political rivalry.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that the nature of offence is heinous.

However, despite the nature of the allegation levelled against the petitioner, in view of the fact that other co-accused persons, standing on similar footing as the present petitioners, have been granted anticipatory bail, on the

ground of parity, the present petitioners are also entitled to the same relief.

Accordingly, CRM (A) 795 of 2022 is allowed thereby granting anticipatory bail to the petitioners on condition that the petitioners shall comply with the conditions as stipulated 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 bond of Rs.10,000/- (Rupees Ten Thousand) for each of the petitioners, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tufanganj and on further condition that the petitioners shall not leave the territorial jurisdiction of the trial court and shall attend trial on each and every date. Moreover, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever. The sureties, as directed, can be common in respect of all the petitioners.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)