

06.12.2023
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Partly allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(A) 939 of 2023

In Re.: An application under Section 438 of the Code of Criminal Procedure in connection with Sitai Police Station Case No. 216 of 2023 dated 24.09.2023 under Sections 341/325/326/506/34 of the Indian Penal Code.

And

In Re : Shibu Barman & Ors. petitioners

Mr. Surajit Basu
Mr. Ratan Chandra Roy
Mr. S. Mukherjee

... for the petitioners

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee

... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. Petitioner no. 1 fired at the victim and thereafter assaulted him. He suffered grievous injuries. Hence, we are not inclined to grant anticipatory bail to the petitioner no. 1.

3. Application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

4. However, keeping in mind the extent of complicity of the petitioner nos. 2 and 3 in the alleged crime, we are inclined to grant anticipatory bail to them.

5. Accordingly, we direct that in the event of arrest the petitioner nos. 2 and 3 shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 they shall appear before the court below and pray for regular bail within a period of four weeks from date.

6. Accordingly application for anticipatory bail is allowed so far as petitioner nos. 2 and 3 are concerned.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)