

07.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 957 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No. 357 of 2023 dated 25.08.2023 under Sections 25(1-A)/27 of the Arms Act.

And

In Re : Mithun Rahaman @ Apple @ Dalim petitioner

Mr. Sudip Guha
Mr. Sandip Guha Ray

.....for the petitioner

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee
Mr. Dhiman Shil

....for the State

1. Learned Counsel for the petitioner submits no one was injured in the incident. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner had fired from a firearm in course of a volleyball tournament.

3. We have considered the materials on record. Petitioner had fired in the air. Nobody had been injured. Incriminating articles have already been recovered. In view of the aforesaid, we are of the opinion custodial interrogation is not necessary and petitioner may be granted anticipatory bail subject to conditions.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that he shall meet the investigating officer once in a week until further orders.

5. The application for anticipatory bail is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)