

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

11.12.2023.  
15/tkm

**C.R.M. (A) 970 of 2023**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sitalkuchi P.S case no. 257 of 2023 dated 29.8.2023 under sections 498A of the IPC read with sections 3/4 of the DP Act

And

**Allowed**

In Re : Bulu Miah @ Md. Bulu Miah .....petitioner

Mr. S Guha Roy

...for the Petitioner

Mr. Kallol Acharjee

Ms. Namrata Das

...for the State

1. Petitioner submits he is a member of BSF. He contends that the allegations of torture are out and out false. He is ready and willing to co-operate with investigation. He prays for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail. He contends petitioner did not respond to the notice under section 41A Cr.P.C.

3. We have considered the material on record. Allegations of torture are general and omnibus. It is contended petitioner is a member of BSF and was posted at Meghalaya. As a result, he was unable to respond to notice under section 41A Cr.P.C. Keeping in mind these facts we are of the opinion though custodial interrogation of the petitioner for progress of investigation may not be necessary, he requires to co-operate with investigation in accordance with law.

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 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973. Petitioner shall meet the investigating officer once in a week until further orders.

5. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

6. The application being CRM (A) 970 of 2023 is disposed of.

**(Apurba Sinha Ray, J.)**

**(Joymalya Bagchi, J.)**