

15.12.2023

Sl. No.22

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 1009 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Mathabhanga Police Station Case No.430 of 2023 dated 13.08.2023 under Sections 341/326/307/34 of the Indian Penal Code. (G.R. Case No.1026 of 2023)

And

In Re: ***Subal Chandra Barman @ Subal Ch. Barman & Ors.***

... .. Petitioners

Mr. Rajdeep Majumder
Mr. Avrojoyoti Das
Mr. Pritam Roy
Mr. Mayukh Mukherjee
Ms. Sayanti Podder

... .. for the petitioners

Mr. Kallol Acharjee
Mr. Arjun Chowdhury

... .. for the State

1. Supplementary affidavit is placed on record.
2. It is submitted on behalf of the petitioners that there was a free fight between the parties. Injuries were also suffered at the end of the petitioners. Accordingly, they pray for anticipatory bail.
3. Learned Advocate for the State opposes the prayer for anticipatory bail.
4. We have considered the materials on record. It is contended there was a free fight between the parties. Petitioner no.1 suffered cut injury on the scalp. In the light of the aforesaid circumstances and the fact that injury on the victim is not grievous, we are of the opinion custodial interrogation of the

petitioners may not be necessary and they may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely **(1) Subal Chandra Barman @ Subal Ch. Barman, (2) Balen Barman, (3) Sujoy Roy Majhi, (4) Biswajit Adhikary, (5) Dulal Barman, (6) Amalesh Dakuya @ Amalesh Dakua, (7) Sushil Barman & (8) Debendra Barman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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. They shall appear before the court below and pray for regular bail within four weeks from date.
6. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)