

14.12.2023

Sl. No.30
akd
[PARTLY
ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 1013 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.12.2023 in connection with Haldibari Police Station Case No. 60 of 2023 dated 31.03.2023 under Sections 341/447/325/307/506/34 of the Indian Penal Code. (G.R. Case No.161 of 2023)

And

In Re: ***Bhagya Biswas @ Bhaighya Biswas & Ors.***

... .. Petitioners

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik

... .. for the petitioners

Mr. Tapan Bhattacharjee
Mr. Chattu Roy

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Allegations in the FIR show petitioner nos.2 & 3 struck the victim with a stone. Keeping in mind the primary involvement of the petitioners in the crime, we are not inclined to grant anticipatory bail to petitioner nos.2 & 3 herein.
3. Accordingly, prayer for anticipatory bail of petitioner nos.2 & 3 namely, **(2) Chiranjit Biswas & (3) Prasenjit Biswas** is rejected.
4. However, in view of the extent of complicity of petitioner nos.1 & 4 in the alleged crime, we are of the opinion custodial interrogation of petitioner nos.1 & 4 may not be necessary and they may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the petitioner nos.1 & 4, namely **(1) Bhagya Biswas @ Bhaighya Biswas & (4) Ranjana Biswas**, 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.)