

31.01.2024
(D/L 17)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 81 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Pundibari P. S. Case No.508 of 2023 dated 25.07.2023 under Section 341/325/307/34 of the Indian Penal Code.

In the matter of : Swapan Baishya

... Petitioner

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. Satyajit Paul

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy

... for the State

1. Heard learned Counsel for the parties.
2. Learned counsel for the State opposes the prayer for anticipatory bail.
3. On perusal of the entire materials of the CD, it transpires to us that injuries of the victim are not so much serious in order to attract the provisions of Section 307 IPC at least *prima facie*.
4. Investigation is stated to have been completed in the meantime.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of injury as discussed supra and

completion of investigation, it is directed that the petitioner shall surrender before the learned CJM, Cooch Behar in the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail by the aforesaid court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The applications being CRM(A) 81 of 2024 is disposed of.
8. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)