

31.01.2024
(D/L 25)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 89 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tufanganj P. S. Case No.933 of 2023 dated 24.10.2023 under Sections 341/323/325/326/365/379/506/34 of the Indian Penal Code.

In the matter of : Mithun Das Roy
@ Mithun Das and another
... Petitioners

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,
Mr. Sandip Guha Roy
... for the petitioners

Mr. Abhijit Sarkar,
Ms. Namrata Das
... 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 as placed before us, it reveals to this court that the present petitioners assaulted the victim for which he suffered cut injury and swelling injury on her person which, do not attract Section 326 IPC at least, *prima facie*. So far as other allegations are concerned, those are at the fringe 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 evidence and completion of investigation, it is directed that the petitioners shall surrender before the learned ACJM, Tufanganj, Cooch Behar in the aforesaid P.S. case within 15 days from today. On their appearance and application for bail, they 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) 89 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.)