

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

01.04.2024
Court No.01
rpan/ 196

CRM (A) 196 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

**In Re: Bhavotaran Barman @ Bhabotaran
Barman @ Bhabtaran Barman & Another**

- Petitioners

Mr. Hillol Saha Podder
...for the Petitioners.

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee,
Mr. Chattu Roy
...for the State.

Apprehending arrest in connection with Mathabhanga Police Station Case No.408 of 2023 dated 02.08.2023 under Sections 186/188/353/307 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 24 of the Cattle Trespass Act, 1871 and Section 11 of the Prevention of Cruelty to Animal Act, 1960, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioners submits that the petitioners were not named in the FIR and they have been roped in on the basis of mere suspicion. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the said petitioners may not be necessary.

The learned advocate appearing for the State denies and disputes the contention of the petitioners. There are strong incriminating materials on record against the petitioners. In support of such contention he has drawn our attention to the statements of the witnesses as well as the injury report. Answering our query, he submits that upon completion of investigation chargesheet has already been submitted and four persons have been arrested in connection with the present case.

Having heard the learned advocates and considering the materials in the case diary in the light of the arguments as advanced, the gravity of the offence, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners may not be necessary, moreso when upon completion of investigation chargesheet has already been submitted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Bhavotaran Barman @ Bhabotaran Barman @ Bhabtaran Barman** and **Shymal Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further conditions that they shall meet with the Inspector-in-Charge, Mathabhanga Police Station once a week till conclusion of the trial and shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

The application for anticipatory bail, being CRM (A) 196 of 2024, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)