

22.04.2024
Court No.01
Item No. 171
Allowed

KC

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

CRM (A) 217 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 732 of 2023 dated 23.12.2023 under Sections 341/326/324//307/427/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re: **Dipankar Saha & Anr.**

Petitioners

Mr. Sudip Guha
Mr. Sandip Guha Roy
Mr. Ananda Paul

For the Petitioners

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Kallol Nag

For the State

The learned counsel for the petitioner submits that the petitioner have been falsely implicated and the persons similarly placed as that of the present petitioner have been granted anticipatory bail by a Coordinate Bench of this Court in CRM(A) 92 of 2024 on 31st January, 2024.

The learned advocate for the State submitted that one of the co-accused namely Alam Miya @ Alam Miah has been granted anticipatory bail by the Sessions Judge, Coochbehar in CRM(A) 314 of 2024 on 22nd March, 2024.

In view thereof, the application of Alam Miya @ Alam Miah for anticipatory bail is not pressed.

Heard learned counsel for both the parties and considered the materials in the case diary. It appears that on account of a political dispute, two persons have been injured out of whom one suffered multiple incised injury over scalp and

another suffered a small cut injury on his forehead near his left eyebrow. None of the injured persons have been hospitalized for more than 20 days.

The learned counsel for the State submits that the victim in his 161 Cr.P.C. statement named Alam Miya @ Alam Miah and the present petitioner.

We are convinced that the present petitioner is similarly placed with other co-accused, who was granted anticipatory bail by the Coordinate Bench, in which one of us, Justice Partha Sarathi Sen was a Judge.

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 substantial progress in investigation, it is directed that the petitioner Dipankar Saha shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

- i) The petitioners are directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
- ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

Accordingly, the prayer for anticipatory bail is allowed.

CRM (A) 217 of 2024 is, thus, disposed of.

The I.O. is hereby directed to act upon the server copy of this order, if required.

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

(Soumen Sen, J)

(Partha Sarathi Sen, J)