

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

05.04.2024
Court No.01
rpan/ 41

CRM (A) 281 of 2024

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

And

In Re: Ajadul Miya @ Miah

- Petitioner

Mr. Sudip Guha,
Mr. Sandip Guha Roy
...for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Ms. Namrata Das
...for the State.

Apprehending arrest in connection with Dinhata Police Station Case No.26 of 2024 dated 12.01.2024 under Sections 341/326/307/34 of the Indian Penal Code and read with Sections 25/27/35 of the Arms Act, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that no specific overt act has been attributed to the petitioner and he has been falsely implicated. The persons present at the place of occurrence were in an intoxicated state and the accused persons had no intention whatsoever to cause any injury to the victim. In the said conspectus, custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Chakraborty, learned Additional Public Prosecutor appearing for the State denies and disputes the contention of the petitioner and submits that investigation is still continuing.

We have perused the materials on record, including the statement of the injured as recorded under Section 164 of the Code of Criminal Procedure as well as the injury report. *Prima facie*, no specific overt act had been attributed to the petitioner and it appears that all the persons at the place of occurrence were in an inebriated condition. Considering the nature of allegations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Ajadul Miya @ Miah** shall be released on bail upon furnishing a bond of Rs.10,000/- 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 he shall meet with the Investigating Officer of the case twice a week till the investigation is complete and shall attend the learned trial court below on all the dates as fixed for hearing.

It is further directed that the petitioner shall not influence the witnesses and/or tamper with the evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the

learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 281 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.)