

25.04.2024
SL No.21
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 303 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.51 of 2024, dated 23.01.2024 under Sections 302/379/34 of the Indian Penal Code.

And

In the matter of : **Asim Sarkar & Ors.**

- Petitioners.

Mr. Sayak Chakraborti,
Mr. Wrickbrata Roy,
Ms. Riya Agarwal

... For the Petitioners.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Mr. Sourav Ganguly

... For the State.

1. It is submitted on behalf of the petitioners that though the present accused petitioners are FIR named but no specific role in the alleged crime has been stated in the FIR.
2. While opposing the prayer for anticipatory bail, learned Counsel for the State submits before this Court that the present accused petitioners are involved in the alleged crime.
3. We have meticulously gone through the written complaint as lodged by the informant as well as the statements of the witnesses as recorded so far. Admittedly, in the

written complaint as well as in the aforesaid statements, the name of the FIR named accused no.1, Manoj Kumar Dey Sarkar @ Chhotu is transpiring and his specific role has been mentioned therein but we do not find any specific role and/or specific overt act of the present accused petitioners in the alleged crime from the Case Diary at least prima facie at this stage. In view of such, we are inclined to take a lenient view to allow the prayer for anticipatory bail.

4. Accordingly, we direct that in the event of their arrest, the petitioners, namely, **Asim Sarkar, Rabi Mandal, Britti Sundar Barai, Subrata Barman @ Santosh Barman, Goutam Roy and Tapash Barman**, be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioners shall meet the Investigating Officer of this case twice in a week and/or as and when called for and the present accused petitioners shall not leave the territorial jurisdiction of the learned Trial Court till the conclusion of the investigation.

5. The application for anticipatory bail is, thus, disposed of.

6. 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.)