

22.04.2024
SL No.212
Court No.1
(gc)
(Allowed)

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

CRM (A) 315 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.224 of 2023, dated 08.05.2023 under Sections 448/323/354/326/379/427/506/34 of the Indian Penal Code read with Section 25/27 of the Arms Act and corresponding to G.R. case no.223 of 2023.

And

In the matter of : **Arif Hossain**

- Petitioner.

Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul,
... For the Petitioner.

Mr. Abhijit Sarkar
Mr. Sanjiv Das
... For the State.

1. Petitioners submit there was a free fight and case and counter case came to be registered. They have been falsely implicated. They pray for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail. He contends that the injury is severe.
3. We have considered the material on record. There was a free fight and case and counter case were registered. No gunshot injury is found on the victim.

4. It is not in dispute that the petitioner is similarly placed as that of Sirajul Hoque who have got anticipatory bail on 12th December, 2023 in CRM (A) 976 of 2023.
5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Arif Hossain**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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.
7. Petitioners shall appear before the court below and pray for regular bail within four weeks from date.
8. The application for anticipatory bail is, thus, disposed of.
9. 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.)