

22.04.2024
SL No.213
Court No.1
(gc)
(Allowed)

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

CRM (A) 316 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.591 of 2021, dated 22.11.2021 under Sections 447/326/307/506/34 of the Indian Penal Code corresponding to G.R. Case No.640 of 2021.

And

In the matter of : **Saidul Mia @ Sahidul Miya & Anr.**

- Petitioners.

Mr. Sudip Guha,
... For the Petitioners.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy
... For the State.

1. Heard.
2. On perusal of the materials available on record, it does not transpire to us that the injuries of the victim are sufficient to attract the provision of Section 307 IPC at least prima facie. Investigation is stated to have been completed in the meantime and therefore, the custodial of the present accused petitioners is not necessary.
3. Accordingly, we direct that in the event of their arrest, the petitioners, namely, **Saidul Mia @ Sahidul Miya and Iliyach Miya @ Ilias Miah**, 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 learned Additional Chief Judicial Magistrate, Dinhata in connection with G.R. Case No.640 of 2021 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 petitioner shall appear before the learned trial Court within a fortnight from today.

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