

24.04.2024
SL No.1
Court No.1
(gc)
(Allowed)

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

CRM (A) 319 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mekhliganj Police Station Case No.331 of 2023, dated 03.10.2023 under Sections 447/341/325/326/307/354/34 of the Indian Penal Code.

And

In the matter of : **Kamal Barman & Ors.**

- Petitioners.

Mr. Sandeep Dutta
... For the Petitioners.

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary
... For the State.

1. It is submitted on behalf of the petitioners that considering the fact that the allegation has made out in the FIR is too much exaggerated, the instant application for anticipatory bail may be considered favourably. It is further submitted that the investigation has already been completed and other co-accused persons are either enlarged on bail or anticipatory bail.
2. However, the prayer for anticipatory has been opposed both by the learned Counsel for the State as well as by the learned Counsel appearing on behalf of the informant.

3. On perusal of the entire materials of the case diary, we find that the injury reports of the victim are not so much serious to attract the provision of Section 307 of the I.P.C. at least prima facie. Investigation is stated to have been completed in the meantime and, therefore, custodial interrogation of the present petitioners is not necessary. Accordingly, we are inclined to grant anticipatory bail to the petitioners.
4. Accordingly, we direct that in the event of their arrest, the present accused petitioners, namely, **Kamal Barman, Indrajit Barman @ Pakhadora and Ranjit Barman @ Ranajit Pakhadora**, 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, Mekhliganj in connection with G.R. Case No.704 of 2023 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 appear before the learned trial Court within a fortnight from today. It is, however, made clear that the observation with regard to the injury as made by us while disposing of the instant application is purely limited for the disposal of the instant bail application and the same shall not influence the learned Trial Court at the time of trial.

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.)