

24.04.2024
SL No.41
Court No.1
(gc)
(Allowed)

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

CRM (A) 359 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.618 of 2022, dated 17.12.2022 under Sections 341/325/307/34 of the Indian Penal Code.

And

In the matter of : **Mithun Roy & Ray**

- Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Abhijit Sarkar

Mr. Subhasish Misra

... For the State.

1. It is submitted on behalf of the petitioner that there was a free fight between the parties and case and counter-case have been registered.
2. The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that having regard to the injury suffered by the victim and that he has named the petitioner at the time of recording his statement by the police authorities.
3. It appears that the person similarly placed as that of the petitioner, namely, Khirod Ch. Roy @ Khirat Chandra Roy

@ Khirod Roy on the same set of facts, was granted anticipatory bail by a Coordinate Bench on 28th February, 2023.

4. We have considered the materials on record. There appears a free fight between the parties. Case and counter case had been registered. The role and involvement of the petitioner in the commission of the alleged offence requires to be assessed in the light of the aforesaid facts and circumstances. The charge-sheet has already been filed on 18th March, 2023.
5. In view of the aforesaid facts, the custodial interrogation of the petitioner is not necessary.
6. The learned Counsel for the State, however, opposes the prayer for anticipatory bail. Hence, we are inclined to grant anticipatory bail to the petitioner.
1. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mithun Roy @ Ray**, 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. It is further directed that the petitioner shall appear before the learned trial Court within a fortnight from today.

2. The application for anticipatory bail is, thus, disposed of.
3. 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.)