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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 412 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 161 of 2024 dated 26.03.2024 under Sections 341/326/307 of the Indian Penal Code.

And

In Re : Ashim Kumar Ray @ Asim Kumar Roy petitioner

Mr. Subhasish Misra
Mr. Satyajit Paul

.....for the petitioner

Mr. Kallol Acharjee
Mr. Dhiman Sil

....for the State

1. Learned Counsel for the petitioner submits there was an altercation between the parties over drainage of water. Case and counter case were registered. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record including the injury report. Provisional opinion with regard to injuries is simple. Radiological report is not placed on record. Keeping in mind the aforesaid facts we are of the opinion custodial interrogation is not necessary and petitioner may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)