

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

10.07.2024
Court No.1
(D/L 14)
(Allowed)

CRM (A) 471 OF 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 10.06.2024 in connection with Bagdogra Police Station Case No. 167 of 2024 dated 01.05.2024 under Sections 306 of the IPC corresponding to G.R. Case 1539 of 2024.

And

In the matter of: **Ajay Barman & Anr.**

... Petitioners.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioners.

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

...for the State.

Petitioners submit that they are relations/brothers of the victim. They have been falsely implicated in the case and prays for anticipatory bail.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

We have perused the case diary including the post-mortem report and the statement under Section 161 of the Criminal Procedure Code. Possibility of the false implication of the petitioners owing to enmity cannot be ruled out.

Under such circumstances, we are of the opinion that custodial interrogation of the petitioners for progress of investigation is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the investigating officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioners shall appear on every date of hearing before the jurisdictional Court until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. In default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The application for anticipatory bail is, accordingly, allowed.

[MD. SHABBAR RASHIDI, J.]

(RAJARSHI BHARADWAJ, J.)