

JPD-219
Ct No.01
02.08.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 503 of 2024

In Re: - An application for anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita in connection with **Kuchlibari** Police Station Case No. **52** of **2024** dated **09.04.2024** under Sections **325/307/34** of the **Indian Penal Code**.

And

In the matter of: **Md. Ujjal @ Rupjal Hossain and others**

.... petitioners

Mr. Biswarup Roy,
Mr. Supriya Debnath,
Mr. Satyajit Paul,
Mr. Papai Mahammad

... for the petitioners

Mr. Abhijit Sarkar,
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioners argues that the actual turn of events was that the complainant along with others assaulted the petitioners and their family members with arms. Subsequently, to pre-empt a complaint by the petitioners, the complainant lodged a complaint against the petitioners themselves. Subsequently, however, the petitioners have also lodged complaints against the complainant.
2. Learned counsel for the State opposes the prayer for anticipatory bail.

3. It transpires from the records that the complainant was not admitted to the hospital and was released after preliminary treatment for blunt trauma.
4. As such, there is some doubt cast on the veracity of the complaint, which is sufficient to grant the benefit of anticipatory bail to the petitioners.
5. Accordingly, CRM (A) 503 of 2024 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
6. In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The sureties may be common in respect of all the petitioners.
7. Furthermore, the petitioners shall not leave the territorial jurisdiction of the trial court during the period of trial and make themselves available as and when required during investigation and subsequent trial.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)