

19.08.2024
Court No.1
SL No.17
pk/sb

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

CRM(A) 557 of 2024

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with **Mathabanga** P.S. Case No.**329 of 2024** dated **17.05.2024** under Sections **447/323/327/354/326/307/506/34** of the Indian Penal Code.

And

In the matter of: **Goutam Das and others**

....Petitioners.

Mr. Subhasish Misra,
Mr. Satyajit Paul

...for the petitioners.

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee

...for the State.

1. The application for anticipatory bail is made on the ground that the dispute between the petitioners and the complainant was in relation to a land and its boundaries.

2. It is also submitted that the present FIR may be a counter blast to a complaint and FIR lodged by the petitioners against the de facto complainant on 17th May, 2024 being FIR No. 328 of 2024 registered by the Mathabanga Police Station.

3. The learned counsel for the State opposes the prayer for anticipatory bail.

4. This Court has considered the case diary. Injuries in the medical report are simple in nature. The petitioners shall not indulge in any physical fight or similar acts of complaint in the

FIR with the private opposite party. In the event of any further information of physical assault by and between the parties, the bail that may be granted herein below will be liable for cancellation.

5. In the above circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

6. In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.15,000/- each 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further conditions that the petitioners shall cooperate with the investigation and that the petitioners shall appear before the court below and pray for regular bail within a fortnight from date.

7. In the event the petitioners fail to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioners shall automatically stand cancelled without any further reference to this Court.

8. The application for anticipatory bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ajoy Kumar Mukherjee, J.)

