

23.08.2024
Court No.1
Item No.11
pk/AP

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

CRM(A) 578 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with **Matigara** P.S. Case No.**373 of 2024** dated **18.06.2024** under Section **505(2)** of the IPC.

And

In the matter of: **Upendra Mani Pradhan @ Upendra M Pradhan**
....Petitioner.

Mr. Mayank Bhandari

...for the petitioner.

Mr. Kallol Acharjee

Ms. Namrata Das

...for the State.

1. The petitioner seeks anticipatory bail on the ground that the ingredients of Section 505(2) of the IPC are not available in the complaint.
2. Learned counsel for the State opposes the prayer for anticipatory bail.
3. It appears from the complaint that it has been lodged by the SI, Matigara PS. The complaint does not indicate any act to promote or create enmity, hatred or ill-will between classes or regions or castes. The only grievance is that the North Bengal College and Hospital has been defamed. There is no formal complaint by any affected person under Section 505(2) of the IPC.
4. In view of the above, the petitioner made out a case for anticipatory bail.

5. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a personal bond, 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 and on further condition that the petitioner shall meet the investigating officer virtually as and when required.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)