

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 801 of 2024**

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Kuchlibari Police Station** Case No. **83 of 2024** dated **28.05.2024** under Sections **323/324/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Bablu Roy & Anr.

.... Petitioners.

Mr. Sandeep Dutta,
Mr. A. Banerjee,

... For the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld APP.
Mr. Sourav Ganguly,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Learned Advocate for the petitioners says that the petitioner no. 2 has already been taken into custody. Therefore, this application for anticipatory bail has become infructuous in so far as the petitioner no. 2 is concerned.

2. This application stands dismissed in so far as the petitioner no. 2 is concerned.

3. The petitioner no. 1 says that he has been falsely implicated. Out of four accused persons, two have already been granted anticipatory bail. He stands exactly on the same footing as that person. He prays for bail.

4. We have considered the materials on record including the injury report. One victim appears to have suffered simple injury and two others appears to have suffered severe injury. However, strangely enough, the statements of the victims have not been

recorded. Statements of some witnesses have been recorded but they do not appear to be eye-witnesses. Charge sheet has been filed upon completion of investigation.

5. In the facts of the case as aforestated, in our opinion, immediate custodial interrogation of the petitioner no. 1 may not be necessary so long as he is prepared to cooperate with further investigation, if any.

6. Accordingly, in the event of arrest, the petitioner, namely, **Bablu Roy**, 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner shall report to the Investigating Officer of the concerned Police Station once in a fortnight until further orders. The petitioner shall not leave the jurisdiction of the learned Trial Court until further orders.

7. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

8. CRM (A) 801 of 2024 is, thus, disposed of.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Biswaroop Chowdhury, J.)**

(**Arijit Banerjee, J.)**