

29.11.2024
SI No.43
srm/Mujahid
(Allowed)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
CRM(A) 826 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **05.10.2024** in connection with **Ghoskadanga** P.S. Case No. **369/2024** dated **25.07.2024** under Sections **329(4)/64/62/351(2)/3(5)** of the B.N.S., 2023.
And

In the matter of: **Dhaneswar Debsingha**
... Petitioner.

Mr. Hillol Saha Podder
... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sanjiv Das
... for the State

Ms. Madhushri Dutta
...for the de facto complainant

The petitioner prays for anticipatory bail. The allegation is that the petitioner has been falsely implicated on the ground that there is a long standing enmity.

The de facto complainant is present and opposes the prayer and submits that there has been a continuous threat.

Learned Additional Public Prosecutor produces the case diary.

We have perused the materials on record. Considering the role of the petitioner in the alleged offence and considering the fact that the incident occurred in presence of direct evidence, we are of the view that custodial interrogation of the petitioner is not

necessary. We are inclined to grant benefit of anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of equal amount each, one of whom must be local, 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 corresponding to Section 482(2) of B.N.S.S. The petitioner shall meet the investigating officer twice a week till the completion of the investigation. The petitioner shall not enter into the jurisdiction of the Ghoskadanga police station except for the purpose of meeting the investigating officer. The petitioner will furnish his present address to the local police station where he will be henceforth residing.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S., the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

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

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)