

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 846 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 **Sitai Police Station** Case No. **129 of 2024** dated **06.06.2024** under Sections **341/325/326/307/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Balit das @ Balit Ch. Das & Ors.

.... Petitioners.

Mr. Sanjay Mazumdar,
Ms. Sukanya Adhikary,

... For the Petitioners.

Mr. Nilay Chakraborty, ld. APP,
Mr. Arjun Chowdhury,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners say that the allegations against them are false. The dispute between the petitioners and the defacto complainant are civil in nature. No criminal action is maintainable. The ingredients of the alleged offence are not there. They pray for anticipatory bail.

2. Opposing the prayer, learned Advocate for the State draws our attention to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. One of them at least is an eye witness.

3. From the victim's statement, we find *prima facie* involvement of the petitioner no. 1 in the alleged crime. Therefore, we are not inclined to allow the prayer for anticipatory bail of the petitioner no. 1.

4. The application stands rejected in so far as the petitioner no. 1 is concerned.

5. However, in so far as the petitioner nos. 2 and 3 are concerned, we find from the case diary no such incriminating material against them as would justify rejection of their prayer for pre-arrest bail.

6. Accordingly, in the event of arrest, the petitioners, namely, **Subhash Das and Samir Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioners shall report to the Officer in Charge of the concerned Police Station once in a fortnight until further orders. The petitioners shall not leave the jurisdictional trial Court.

7. In case the petitioners fail 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) 846 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.)**