

13.11.2024
Item no. 59.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 871 of 2024

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitalkuchi Police Station Case No.217 of 2024 Dated 12.05.2024 under Sections 448/326/307/34 of the Indian Penal Code

And

In the matter of : Md. Sahajan Miya @ Sahajan Miya

.....Petitioner.

Mr. Bikash Singha for the Petitioner.

Mr. Kallol Acharya
Mr. Dhiman Sil for the State.

Dictated by Biswaroop Chowdhury, J.

1. Learned Advocate for the petitioner and learned Advocate for the State of West Bengal are present.
2. Heard learned Advocates for the parties.
3. Learned Advocate for the petitioner submits that the allegations made against his client are not maintainable and his client is not involved in the instant case.
4. Learned Advocate further submits that the principal accused is in custody and one co-accused person has been granted bail by the learned Trial Court.

5. Learned Advocate for the State objects to the grant of anticipatory bail. Our attention is drawn to the injury report.
6. Upon perusal of the injury report and the statement of the victim recorded under Section 164 Cr.P.C. we are of the view that although there are allegations against this petitioner but considering the nature of his involvement and the fact that investigation is complete and one co-accused person is on bail, in the interest of justice, the petitioner may be granted anticipatory bail.
7. Thus, we allow this application for anticipatory bail.
8. Accordingly, in the event of arrest, the petitioner, namely **Md. Sahajan Miya @ Sahajan Miya** 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 he shall report to the Officer in charge of the concerned police station once in a fortnight until further orders. He shall not leave the jurisdiction of the learned Trial Court until further orders.
9. 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.

10. The application for anticipatory bail is allowed.
11. 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.)