

13.11.2024
Item no. 62.
Court No.1.
AB
(Allowed)

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

CRM (A) 875 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 Matigara Police Station Case No.497 of 2024 Dated 22.08.2024 under Sections 126(2)/115(2)/117(2)/118(2)/109/74/304(2)/351(2)/3(5) of BNS, 2023

And

In the matter of : Sri Rohan Roy & Anr.

.....Petitioners.

Mr. Sudip Kr. Paul for the Petitioners.

Mr. A. S. Chakraborty, Id. APP
Mr. Biswarup Roy for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that the incident was a fight between two groups in a bar which operates from a shopping mall in Matigara City Centre. There was no serious injury suffered by anybody. The petitioners are willing to cooperate with the Investigating Officer. Their custodial interrogation is not necessary.
2. Opposing the prayer, learned State Counsel draws our attention to the statements of witnesses recorded under Section 161 Cr.P.C. The allegations in the statements are general in nature. The allegations indicate that there

was a fight between two groups. Strangely enough, we do not find any medical report or injury report in the case diary.

3. In view of the aforesaid, we are of the opinion that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.
4. Accordingly, in the event of arrest, the petitioners, namely **Rohan Roy and Nikhil Prasad @ Ritikesh Prasad** 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 they shall report to the Investigating Officer once in a fortnight until completion of investigation. They shall not leave the jurisdiction of the learned Trial Court until further orders.
5. 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.
6. The application for anticipatory bail is allowed.

7. 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.)