

02.12.2024
Ct. No. 01
SL No. 95
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 881 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Dinhata Women Police Station Case No.130 of 2024, dated 17.10.2024, under Sections 329(4)/64(1)/62 of the B.N.S.

And

In the matter of: **Sudarshan Barman**

....Petitioner.

Mr. Ananda Paul

.....for the petitioner.

Ms. Rishita Chakraborty

Mr. Hasanur Rahaman

...for the de facto complainant.

Mr. Aditi Shankar Chakraborty

Mr. Biswaroop Roy

... for the State.

Learned advocate for the petitioner prays for anticipatory bail on the ground that he has been falsely implicated on account of a long standing dispute over land.

Learned advocate for the State produces the case diary and opposes such prayer for anticipatory bail.

Upon considering the materials on record and taking note of the the delay in lodging of the FIR as also the denial of the victim to undergo medical examination, we are of the view that custodial interrogation of the petitioner will not be necessary in this case. The incident occurred in the presence of the direct evidence.

Accordingly, we direct that in the event of arrest, the petitioner, shall be released on bail upon furnishing a bond of Rs.10,000/- with

two sureties of equal amount each, 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 the B.N.S.S. 2023. The petitioner shall meet the concerned investigating officer once a week till conclusion of investigation and shall appear before the jurisdictional court on each date of hearing as may be fixed after conclusion of investigation. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In case the petitioner fails to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)