

27.11.2024
SI No.75
srm/Mujahid
(Allowed)

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

CRM(A) 910 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 **11.11.2024** in connection with **Pundibari** Police Station Case No. **812/2024** dated **03.10.2024** under Sections **126(2)/115(2)/74/303(2)/326(g)/351(3)/3(5)** of the B.N.S., 2023.

And

In the matter of : **Goutam Das & ors.**

... Petitioners.

Mr. Subhasish Misra,
Mr. Satyajit Paul,
Mr. Abhijit Chanda,
Ms. Keya Sarkar

... for the petitioners.

Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil

... for the State.

Learned Advocate for the petitioners submits that the present case is a counter blast to Pundibari P.S. Case No.730 of 2024 dated 15.09.2024. He submits that the petitioners have been falsely implicated in this case. He prays for benefit of pre-arrest bail in favour of the petitioners.

Learned Public Prosecutor opposed the prayer for bail and produced the case diary. Charge-sheet has already been submitted. However, there is no injury report.

Having regard to the rival submissions made on behalf of the respective parties, upon perusal of the case diary and other materials on record and considering the fact that there is no injury report and there is a case and counter case, and the

incident alleged occurred in presence of direct evidence, we are of the view that benefit under Section 482 can be extended to the present petitioners as custodial interrogation will not be necessary. The prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 B.N.S.S. The petitioners apart from the petitioner No.5 shall meet the investigating officer once in a week till the charge-sheet is filed and on further condition that the petitioners shall appear before the jurisdictional court on each day on and from the date fixed for appearance after completion of investigation.

In case the petitioners fail 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.)