

29.11.2024
SI No.29
srm/Mujahid
(Allowed)

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

CRM(A) 941 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 **25.11.2024** in connection with **Dhupguri** P.S. Case No. **378/2024** dated **21.09.2024** under Sections **126(2)/118(1)/109(1)/351(3)/3(5)** of the B.N.S., 2023.

And

In the matter of: **Bishnupada Roy**

... Petitioner.

Mr. Bablu Mitra,
Ms. Rupa Shil

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Aniruddha

... for the State

The petitioner prays for anticipatory bail. He submits that the incident occurred over a dispute in respect of a land. The co-accused has already been granted anticipatory bail by the learned Sessions Judge, Jalpaiguri.

Learned Advocate for the State opposes the prayer and submits that the investigation is at the initial stage. That the petitioner is the primary accused.

We have perused the contents of the case diary. We do not find any material which would require custodial interrogation of the petitioner. The incident occurred in presence of direct evidence.

Under such circumstances, prayer for anticipatory bail is allowed.

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, one of whom must be local, 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 petitioner shall meet the investigating officer twice a week until completion of investigation. The petitioner shall not enter into the jurisdiction of the Dhupguri police station except for the purpose of meeting the investigating officer. The petitioner will furnish his present address to the local police station in which he will be henceforth residing.

In case the petitioner fails 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.)