

05.12.2024
SI No.29
srm/Mujahid
(Allowed)

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

CRM (A) 958 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 **28.11.2024** in connection with **Rajganj** P.S. Case No.**377/2024** dated **23.10.2024** under Sections **329(4)/115(2)/117(2)/118(2)/74//351(2)/3(5)** of B.N.S., 2023.

And

In the matter of: **Sanjay Biswas**

... Petitioner

Mr. Jaydeep Kanta Bhowmik,
Ms. Debi Sarkar,
Ms. Jasmin Haue,
Ms. Moumita Shome,
Ms. Dipa Das

... for the petitioner

Mr. Sourav Ganguly,
Ms. Sukanya Adhikary

... for the State

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated. He submits that following a land dispute the incident allegedly occurred. He further submits that there is an allegation and counter allegation. Accordingly, in the present case custodial interrogation is not required and hence benefit under Section 482 of the B.N.S.S. can be extended in favour of the petitioner.

Learned Advocate for the State produces the case diary and vehemently opposes the prayer for anticipatory bail.

Heard learned Advocates. We have perused the case diary and other materials including the medical report. It appears that

there was a scuffle between the two groups. The incident occurred in presence of direct evidence.

We are of the view that the custodial interrogation is not necessary and privilege of pre-arrest bail can be extended in favour of the petitioner. The 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. The petitioner shall appear before the investigating officer, Rajganj police station once in a week until further orders. The petitioner will not tamper with evidence and shall not intimidate witnesses.

The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)