

06.12.2024
Item No.29
Court No.1
(GB)
(Allowed)

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

CRM (A) 990 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 **Birpara** Police Station Case No.**120 of 2023** under Sections 147/148/149/186/353/307/379/436/204/120B of IPC read with Section 3 prevention of Damage to Public Property Act and Section 9 of the West Bengal Maintenance of Public Order Act..

And

In the matter of: **Dinesh Lohar & Ors.**

....Petitioners.

Mr. Arijit Ghosh,
Ms. Angana Rakshit

...for the Petitioner.

Mr. Tapan Bhattacharjee,
Mr. Dhiman Shil

... for the State.

1. The petitioners pray for anticipatory bail on the ground that they were falsely implicated by the police officers when they raised a protest by demanding justice for the alleged murder of one Manoj Lohar.
2. Learned advocate appearing for the State produces the case diary and opposes the prayer for anticipatory bail of the petitioners.
3. Considering the materials in the case diary and considering the roles allegedly played by the petitioner and as the investigation is complete and charge-sheet has been filed and co-accused persons have already granted anticipatory bail, we are of the view that custodial interrogation of the petitioners is not necessary and the benefit of Section 482 of the B.N.S.S. can be extended to the petitioners to grant anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of equal amount each, to the satisfaction of the jurisdictional court. The petitioners shall appear before the jurisdictional court on the dates fixed, until further orders of the said court.
5. The application for anticipatory bail is, thus, allowed and disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)