

18.12.2024
(D/L 25)
Ct. No.1
(Allowed)
(BKN)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 998 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S, 2023 in connection with Sitai P. S. Case No. 207 of 2024 dated 14.10.2024 under Sections 126(2)/115(2)/118(2)/109/3(5) of the B.N.S, 2023.

In the matter of : Tapan Barman

... Petitioner

Mr. Subhasish Misra,
Mr. Satyajit Paul

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Chattu Roy

... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner is the accused in an F.I.R alleging assault. The informant is full brother.
3. The learned counsel for the petitioner submits that there is a dispute between the brothers over ownership and possession of a portion of the land and the same has led to lodging of case and counter case. The petitioner's case was lodged earlier in time and is bearing Sitai P.S. G.D.E No. 491 of 2024. The case against the petitioner has been lodged thereafter. It is submitted that the petitioner has also sustained assault and injury by the informant of the present case. The counter allegations have occurred on the spur of the moment and are very trivial in nature.

4. The learned counsel for the State has opposed the prayer for anticipatory bail by submitting that the present informant has sustained injury on his index figure as is apparent from the injury report.
5. Considering the rival submissions, the nature of allegations and counter allegations and the circumstances giving rise to the dispute between the parties (full brother) we are inclined to grant the prayer for anticipatory bail.
6. Accordingly, it is directed 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 like 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.
7. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
8. The petitioner shall meet the Investigating Officer once in a week until submission of charge sheet.
9. In the event, the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Court below shall be at liberty to cancel his bail without any further reference to this Court.

10. Accordingly, the prayer for the anticipatory bail is allowed.
11. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
12. The application being CRM(A) 998 of 2024 is disposed of.
13. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)