

18.12.2024
(D/L 34)
Ct. No.1
(Allowed)
(BKN)

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

C.R.M.(A) 1022 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S, 2023 in connection with Mekhliganj P. S. Case No. 376 of 2024 dated 01.11.2024 under Sections 329(4)/115(2)/117(2)/118(2)/3(5) of B.N.S, 2023, pending before the Court of Ld. Additional Chief Judicial Magistrate at Mekhliganj, Coochbehar.

In the matter of : Jayanta Barman

... Petitioner

Mr. Biswarup Roy,
Mr. Liton Ali

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Chatu Roy

... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner is accused of assault upon the informant.
It is submitted by the learned counsel for the petitioner that only one of the Sections, namely 118(2) B.N.S is a non-bailable Section. The injury, if any, has been sustained in the scuffle between the parties who are neighbours. It is submitted that the injury has been sustained at the spur of the moment in hot altercation wherein both sides have received injuries.
3. Learned counsel for the State has opposed the prayer. It is submitted that at least there is one non-bailable Section against the petitioner.

4. Considering the rival submissions, the background in which the alleged injury has been sustained, considering also the clean antecedents of the petitioner we are inclined to grant the prayer for anticipatory bail.
5. 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, with a further condition that the petitioner shall attend the learned Court below on all the dates fixed for hearing.
6. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
7. 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.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. 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.

10. The application being CRM(A) 1022 of 2024 is disposed of.
11. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)