

18.12.2024
(D/L 38)
Ct. No.1
(Allowed)
(BKN)

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

C.R.M.(A) 1027 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S, 2023 in connection with Bhaktinagar P. S. Case No. 965 of 2024 dated 16.10.2024 corresponding to G.R. Case No. 5211/2024 under Sections 103(1)/61(2) of B.N.S, 2023, , pending before the Learned District & Sessions Judge, Jalpaiguri.

In the matter of : Mrinmoy Roy

... Petitioner

Ms. Rishita Chakraborty,
Mr. Rajan Raj

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas

... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. While some persons were playing cards on the roof top when alarm was raised regarding the police coming for raid. All of them started to flee in panic, by jumping from the roof top.
3. The learned counsel for the petitioner submits that one of the persons who jumped off from the roof fell on a boundary wall and has lost his life. The petitioner has no concern with the death of the said person and is similarly situated with co-accused, Bhaskar Sarkar who has been allowed the privilege of anticipatory bail on 5th December, 2024 in CRM(A) 963 of 2024.

4. The learned counsel for the State has opposed the prayer for anticipatory bail and submits that the investigation is on. He, however, is not in a position to point out any distinction between the present case, and that of co-accused Bhaskar Sarkar.
5. Considering the rival submissions, petitioner's claim based on parity and the nature of allegations 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, with a further condition that the petitioner shall attend the learned Court below on all the dates fixed for hearing.
7. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
8. 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.
9. Accordingly, the prayer for the anticipatory bail is allowed.

10. 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.
11. The application being CRM(A) 1027 of 2024 is disposed of.
12. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)