

25.04.2024  
Court No.01  
Item No. 04  
Allowed

KC

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

**CRM (A) 1024 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Maynaguri** Police Station Case No. **441** of **2023** dated **15.11.2023** under Section 389 of the Indian Penal Code and adding Section 387 of the Indian Penal Code.

And

In Re: **Bhabananda Roy @ Bhaben**

Petitioner

Mr. Bablu Mitra

Mr. Sourav Sarkar

For the Petitioner

Mr. Kallol Acharjee

Mr. Chattu Roy

For the State

1. It is submitted on behalf of the petitioner that the present accused petitioner has got no nexus with the alleged crime and accordingly the instant application for anticipatory bail may be allowed.
2. While opposing the prayer for anticipatory bail, learned advocate for the State submits before this Court that there are sufficient incriminating materials as against the present accused petitioner.
3. We have considered the entire materials of the case diary from which it transpires that the present accused petitioner's name transpires from the statement of one Bijoy Roy only.
4. In view of such, we are of the view that the present accused petitioner is successful in making out a case for obtaining a favourable order and accordingly, we are inclined to grant anticipatory bail to the present accused petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner namely **Bhabananda Roy @ Bhaben** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and with a further condition that the present accused petitioner shall comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the present petitioner shall meet the Investigating Officer once in a week and/or as and when called for by the concerned Investigating Officer till completion of the investigation unless he has been exempted from appearing by the concerned learned Trial Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. **CRM (A) 1024 of 2023** is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)