

45. 02.04.2025
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (A) 190 of 2025**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kotwali Police Station Case No. 34/2025** dated **09/01/2025** under Sections **126(2)/115(2)/110/76/304/351(2)/3(5)** of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Snehashish Barman & Anr.**

...petitioners.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioners.

Mr. Ujjwal Luksom
Mr. Subhasish Misra

...for the State.

1. The petitioners say that the incident was the fallout of the *de facto* complainant's goat trespassing into the petitioners' land and eating vegetable. A quarrel ensued and there was exchange of fists and blows. Two other accused persons have been granted anticipatory bail by the learned Trial Court. They will fully co-operate with the Investigating Officer, if granted anticipatory bail. They pray for pre-arrest bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, shows me the injury report. I have also seen the other material in the case diary.
3. On an overall assessment of the material on record, I am of the view that although charge-sheet is yet to be filed, the petitioners may be granted anticipatory bail so long as they co-operate with the Investigating Officer.

4. Accordingly, in the event of arrest, the petitioners, namely, **1. Snehashish Barman, 2. Ratan Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioners shall meet the Investigating Officer of the case, once every fortnight until further orders.
5. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
6. The application for anticipatory bail being CRM (A) 190 of 2025 is thus allowed and disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Arijit Banerjee, J.)