

09. Court No.1 11.04.2025 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 276 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 **Falakata Police Station Case No. 70/2013** dated **03.3.2013** under Sections **147/148/149/186/353/427/332/333/379/435/307** of the Indian Penal Code, 1860.

And

In the matter of: - **Goutam Dey @ De**

...petitioner.

Mr. Arnab Saha
Mr. Md. Shoaib Akhtar

...for the petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Aniruddha Biswas

...for the State.

1. The petitioner says that the First Information Report (FIR) was lodged in the name of two persons including the petitioner. However, charge-sheet has been submitted naming 16 persons including the petitioner. The incident was that allegedly the accused persons resisted Policemen and tried to prevent them from discharging their duties. There was a ruckus. A motor car was damaged. Nobody was injured. The petitioner prays for pre-arrest bail.
2. Vehemently opposing the prayer for anticipatory bail, learned State Counsel says that the petitioner is absconding for a long time. Warrant of Arrest is pending against him. However, he fairly admits that there is no specific injury report.

3. I have considered the material on record including statements of witnesses recorded under Section 161 of the Criminal Procedure Code, 1973 (corresponding to Section 180 of Bharatiya Nagarik Suraksha Sanhita, 2023). There are general and omnibus allegations against this petitioner.
4. Considering the nature and gravity of the offence and the fact that charge-sheet has already been submitted, I am of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Police.
5. Accordingly, in the event of arrest, the petitioner, namely, **Goutam Dey @ De** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate at Alipurduar, 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 petitioner shall appear before the learned Trial Court on each and every date of hearing and shall report to the Inspector-in-Charge/Officer-in-Charge of the jurisdictional Police Station, once every fortnight, until further orders. Within seven days from date, the petitioner shall go and meet the Inspector-in-Charge/Officer-in-Charge.
6. In case the petitioner fails to adhere to any of the conditions stipulated above, the learned Court below shall be entitled to

cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail being CRM (A) 276 of 2025 is accordingly disposed of.
8. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)