

12. Court No.1 11.04.2025 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 280 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. 730/2024** dated **21.10.2024** under Sections **126(2)/115(2)/118(1)/109/3(5)** of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Dhruba Rajak @ Dhrub Rajak @ Dhrup Rajak**
...petitioner.
Mr. Bibek Tarafder
...for the petitioner.
Mr. Saikat Chatterjee
Mr. Chattu Roy
...for the State.

1. The petitioner says that there is case and counter-case. The *de facto* complainant of this case tried to outrage the modesty of the petitioner's sister. This led to a scuffle. Both the petitioner and the victim/*de facto* complainant got injured.
2. The petitioner has also filed a criminal case against the *de facto* complainant of this case. He says that he will fully co-operate with the Police. His custodial interrogation is not necessary. He prays for pre-arrest bail.
3. Opposing the prayer for anticipatory bail, learned State Counsel shows me the injury report. He also shows me statements of witnesses recorded under Section 161 of the Criminal

Procedure Code, 1973 (corresponding to Section 180 of Bharatiya Nagarik Suraksha Sanhita, 2023).

4. *Prima facie* it appears that there was a fight between the petitioner and the *de facto* complainant and both got injured.
5. On an overall assessment of the nature of the allegations and the material on record, I am of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he fully co-operates with the Investigating Officer.
6. Accordingly, in the event of arrest, the petitioner, namely, **Dhruba Rajak @ Dhrub Rajak @ Dhrup Rajak** 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 Chief Judicial Magistrate, Jalpaiguri, 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.
7. 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.

8. The application for anticipatory bail being CRM (A) 280 of 2025 is accordingly disposed of.
9. 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.)