

13.06.2025
Item no. 28.
Court No.2.
Rakib
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 374 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Police Station Case No. 161 of 2025 Dated 23.03.2025 under Sections 126(2)/115(2)/118(2)/351(2)/3(5) of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Pacha Adhikari @ Sunil Adhikary.

.....Petitioner.

Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul.

.....for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Mr. Bhaskar Das,
Mr. Dr. Arjun Chowdhury.

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner has been implicated in connection with the instant case as there were dispute in relation to supply of water with the family of the de-facto complainant. There was no intention to inflict any specific injury, however, out of a scuffle the injured fell down and sustained injury.

Learned advocate appearing for the State has produced the Case Diary.

I have perused the medical report, although, the injury referred to is grievous but the background of the case reflects

that there was a scuffle when the injured intended to save the son of the de-facto complainant, consequent to which she fell down and there was a blunt trauma at the right shoulder. It has been alleged also that there are some dislocation in the right hand. However, having considered the genesis of the incident, I am of the view that, although the petitioner has involvement in connection with the instant criminal case but the custodial detention of the petitioner may not be warranted in the facts and circumstances of the case. As such prayer for anticipatory bail is allowed.

Accordingly, I direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one of whom must be local to the satisfaction of the investigating officer/arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

If on bail the petitioner shall meet with the investigating officer as and when called for.

Accordingly CRM (A) 374 of 2025 is allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)