

03.05.2023
KC (2)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 185 of 2023

In the Matter of : Gopal Chandra Barman and Ors.

.... petitioners.

Mr. Anirban Banerjee,
Mr. Sudip Guha.....For the petitioners.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee.....For the State.

This is an application for grant of anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973 in connection with Dinhata Police Station Case No. 28 of 2023 dated 21st January, 2023 under Sections 341/323/325/354/307/379/34 of the Indian Penal Code.

This complaint arises out of acrimony and altercation amongst family members living together in the same premises. Injuries suffered by the victim admittedly are minor in nature.

The complaint was lodged on 21st January, 2023.

Considering the nature of the complaint and the fact that no F.I.R. has been registered by the police since 21st January, 2023, we do not find that this is a case where custodial interrogation is required.

We accordingly allow this application for anticipatory bail on the following terms:

We direct that in the event of arrest the petitioners shall be released on bail on furnishing security of Rs. 10,000/- (Rupees Ten Thousand) each with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) The petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.
- (b) They shall appear before the investigating officer for interrogation as and when summoned.
- (c) They shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of their whereabouts.
- (d) They shall not tamper with evidence or interfere with the witnesses in any manner.

(e) The petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail CRM(A) 185 of 2023 is disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)