

27.06.2019.
Item No. 22
(Allowed)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 301 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.04.2019 in connection with Mekhliganj Police Station Case No. 232 of 2016 dated 16.08.2016 (G.R. Case No. 454 of 2016) for commission of offence punishable under Sections 143/341/324/325/326/307/120B and added Section 302 of the Indian Penal Code;

And

In the matter of : Sahir Hossain.

... petitioner.

Mr. Partha Pratim Sarkar.

...For the petitioner.

Mr. Nilay Chakraborty,
Mr. Sagnik Sankar Sikdar.

...For the State.

Heard the learned Advocates appearing on behalf of the parties.

Apprehending arrest in the connection with Mekhliganj Police Station Case No. 232 of 2016 dated 16.08.2016 (G.R. Case No. 454 of 2016) for commission of offence punishable under Sections 143/341/324/325/326/307/120B and added Section 302 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

According to the petitioner, though his name is not appearing in the First Information Report nor disclosed in the statement recorded under Section 164 of the Code of Criminal Procedure but the police authorities have called him in connection with the instant case.

Learned Advocate for the State though opposes the application for anticipatory bail but fairly submits that the name appearing in serial no. 52 of the First Information Report does not tally with the name of the petitioner. However, he could not give any explanation as to whether the petitioner was called by the police authorities in connection with the instant case or not.

Having considered the materials available in the case diary and the extent of complicity of the petitioner in the alleged crime and the fact that the petitioner is not named in the First Information Report nor his name is disclosed in the statement under Section 164 of the Code of Criminal Procedure, we feel that there is no necessity of any custodial interrogation of the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs 5,000/-, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, **allowed**.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)