CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

17.08.2023
Court No.1
Item. 43
(**Suvendu**)

CRM(A) 588 OF 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mathabanga Police Station Case No. 254 of 2023 dated 18.05.2023 under Sections 448/325/307/326/354/506//34 of the IPC.

And

In the matter of**:** Mobarak Hossain & Ors.

. .. . .Petitioner.

Mr. Hillol Saha Podder

For the Petitioner.

Mr. Sourav Ganguly
Mr. Arjun Chowdhury

For the State.

1. The admitted case of the prosecution is that the alleged charges and counter charges relate to two groups of villagers who are neighbours. An altercation between the two groups led to the brother-in-law of the defacto complainant suffering minor injuries. While the five petitioners lodged an FIR against the defacto coplainant's group on 16th May, 2023, the defacto complainant lodged the FIR against the petitioners on 18th May, 2023 which led the petitioners to come before us.

2. Learned counsel appearing for the prosecution submits that all the injuries are simple in nature and that the altercation was a result of enmity between two groups of villagers.

3. We are hence of the view that the custodial interrogation of the petitioners is not required.

4. The prayer for anticipatory bail is hence allowed.

5. We accordingly direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, one of who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioners shall cooperate with the investigation and make themselves available for questioning to the Investigating Officer once in a fortnight till completion of the investigation. The petitioners shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.

6. The application for anticipatory bail being CRM(A) 588 of 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.) **(MOUSHUMI BHATTACHARYA, J.)**