

C.R.M. 43 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Uttam Roy @ Uttam Pramanik & Anr.**
... **petitioners**

Mr. Jaydeep Kanta Bhowmik
...For the petitioners

Mr. Nilay Chakraborty
Mr. Sagnik Sankar Sikdar
.....For the State

The petitioners have presented this application on 28th March, 2019 seeking a direction that in the event of their arrest in course of investigation of Maynaguri Police Station F.I.R. No. 153/18 dated 17th April, 2018 under Sections 341/325/307/34 of the Indian Penal Code read with Section 304 thereof, they may be released on bail.

We have heard learned advocates for the parties.

It appears that the deceased after the alleged assault survived for seven days, yet, his statement was not recorded. Even there is no statement of the attending doctor. That apart, police report (charge-sheet) has been submitted under section 173 (2) of the Code of Criminal Procedure, 1973 before the relevant magistrate upon completion of investigation.

In that view of the matter, we are of the considered opinion that this is a fit and proper case for making a direction, as prayed for.

C.R.M. 43 of 2019 stands allowed with the direction that in the event of the petitioners' arrest, they shall be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Shivakant Prasad, J.)

(Dipankar Datta, J.)