

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

15.07.2019

Court No.01
Item No. 149
CHC/gc

CRM 288 of 2019

(Allowed)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 23.04.2019 in connection with Kumargram Police Station Case No. 33/19, dated 1.4.2019 under Sections 448/304/506/34 of the I.P.C.

And

In the matter of: Biplob Narjinary @ Biplab Narjinary & ors.

.....Petitioners

Mr. Arnab Saha, Advocate

....For the Petitioners

Mr. Kallol Acharjee, Ld. A.P.P.

Mr. Sourav Ganguly, Advocate

.....For the State

It is submitted by the learned advocate for the petitioners that they have been falsely implicated in this case and the deceased having suffered natural death, the involvement of the accused is without a sanction of the law.

Learned Additional Public Prosecutor submits that the statement so far collected together with P.M. report goes purely against the version embodied in the F.I.R.

Upon perusal of the statements already collected in the C.D. together with the P.M. report, found in page 20 of the C.D., it appears that the deceased victim suffered her death due to effects of the diseased condition of heart and lung, which is ante mortem in nature. The doctor has described the death of deceased to be a natural cause.

Upon consideration of the statements of the victim and in particular the P.M. report, we are inclined to grant petitioners anticipatory bail.

Accordingly, in the event of arrest, petitioners (04) will be

released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of Rs.5000/- (rupees five thousand) each, to the satisfaction of the arresting officer and also subject to the condition as laid down under Section 438(2) Cr.P.C. and on further condition that petitioners shall ensure their appearance before the learned court below and obtain regular bail within a fortnight from the date of this order.

C.R.M.288 of 2019 is disposed of.

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)