

14.11.19

Sl. No.14

Ct. No.1

pk

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 934 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.10.2019 in connection with Kurseong Police Station Case No. 137 of 2019 dated 31.08.2019 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.167(1) of 2019)

And

In Re: ***Sri Mithun Chakraborty and others***

... .. Petitioners

Mr. Rajdeep Majumder,

Mr. A. Das,

Mr. Rohit Agarwal

.. Advocate

... .. for the petitioners

Mr. Nilay Chakraborty

.. Advocate

... .. for the State

Learned counsel appearing for the petitioners submits that the victim and the present petitioners were employees of a concern. They went for picnic at desolate place. The informant's brother ventured into the river and died from drowning. Out of suspicion the victim's brother filed the present case.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and contends that the reason given in the post mortem report being chocking, ante mortem in nature did not reveal that it was a case of accidental drowning.

However, from the statement of a local witness recorded under Section 164 of Cr. P. C. as present at page 29 of the case diary it appears that the said witness saw that the victim was drunk and when

the victim went into the river, he slipped and fell there. Nobody could rescue the victim and he died instantly.

In view of the materials available in the case diary, we are inclined to grant anticipatory bail to the petitioners. Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer once in a week till the submission of the report in final form and on further condition that the petitioners shall appear before the court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 934 of 2019 is, thus, disposed of.

Certified website copies of this order, if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)