

04.09.2020  
Sl. No.26  
akd  
[ALLOWED]

**C. R. M. 5212 of 2020** [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 27.07.2020 in connection with Raghunathganj Police Station Case No. 316 of 2020 dated 06.07.2020 under Sections 342/326/304 of the Indian Penal Code.

And

In Re: **Milon Sk. @ Milan Sk.**

... .. Petitioner

Mr. Anisur Rahaman .. Advocate

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mrs. Sayanti Santra .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. It is further submitted that co-accused namely, Jonaki Bibi has been granted regular bail.

Learned Additional Public Prosecutor opposes the prayer for anticipatory bail.

We have considered the materials on record. We note that there is dichotomy in the manner in which the victim suffered burn injuries between the history of assault noted in the medical papers and submission of witnesses. While in the medical papers it is stated that the victim had set himself on fire, the witnesses have described a case of homicidal death. In view of the aforesaid dichotomy with regard to the cause of death, we are inclined in granting pre-arrest bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Milon Sk. @ Milan Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**