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3.9.2020
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C.R.M. No. 5752 of 2020
C.R.A.N.1/ 2020(Old No.CRAN 4142/2020)

In the matter of an application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 13.8.2020 in connection with Balurghat Police Station Case No. 12 of 2020 dated 7.01.2020 under Sections 279/304 of the Indian Penal Code.

And

In Re : Ashis Kumar Shil @ Ashish Shil @ Ashish Sil
... Petitioner.

Ms. Busra Khatoon

...for the petitioner.

Mr. Pradipta Ganguly

...for the State.

The petitioner undertake to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The learned Advocate for the petitioner submits that the petitioner is a driver of a vehicle which met with an accident and the investigating authorities have incorporated Section 304 of the IPC for taking him into custody. He further submits that going by the allegations and the nature of the offence, the custodial detention of the petitioner is unwarranted in the facts and circumstances of the case.

Mr. Ganguly, learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner committed the offence and the victim has been a ten-year old child.

We have taken into account the memorandum of evidence as produced by the State and going by the narration in the First Information Report, we are of the opinion that the custodial detention may not be warranted in connection with this case. However, for the sake of investigation, we allow the prayer for anticipatory bail subject to the condition that :-

- i) the petitioner would surrender himself before the learned CJM, Dakshin Dinajpur at Balurghat by 30th September, 2020.
- ii) The petitioner, in the meantime, shall meet with the Investigating Officer once a week and in case the Investigating Officer feels that the petitioner's arrest is warranted, in that case the Investigating Officer after arrest, shall release him on furnishing a bond of Rs.10,000/-(ten thousand only) with two sureties of like amount each and on condition that the petitioner should abide by the provisions of Sub-Section 2 of Section 438 Cr.P.C.

This order of anticipatory bail is valid till 30th September, 2020.

With the above observations, CRM. 5752 of 2020 and C.R.A.N.1/ 2020(Old No.CRAN 4142/2020) are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)