

09.09.2020

Item no. 13

Ct.16

CHC

Allowed

C.R.M. No.6314 of 2020

C.R.A.N.1 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotulpur Police Station Case No. 64 of 2020 dated 13.08.2020 under Sections 447/448/323/325/304/34/506 of the Indian Penal Code.

And

In the matter of:-

Nilkantha Majhi & ors.

... Petitioners

Mr. Mujibar Ali Naskar

.. for the petitioners

Mr. Rana Mukherjee, Ld. A.P.P.

Mr. Goutam Wilson

..for the State

The petitioners undertake to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

We have considered the materials placed before us and the submission made on behalf of the State that the complaint under Section 304 with other sections has been filed by way of, an application under Section 156(3) of the Code of Criminal Procedure, 21 days after the occurrence of offence complained of.

It is also not disputed that there was a long standing family dispute between the accused and the victim and further that the post mortem report of the victim disclosed that there was myocardial infarction due to external shock.

Having regard to such materials and particularly the delay in lodging the complaint we hold that custodial interrogation of the petitioner is not necessary.

We, therefore, direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, one of whom must be local, to the satisfaction of the arresting officer. Save and except female members i.e. petitioner nos.3, 4 and 6, petitioner nos.1, 2, 5 and 7 are directed to meet the investigating officer once in a fortnight and shall not leave the jurisdiction of Kotulpur Police Station without leave of the investigating officer.

The aforesaid conditions are in addition to the provisions of Section 438(2) of the Code of Criminal Procedure.

With these observations, CRM 6314 of 2020 and CRAN 1 of 2020 are disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Kausik Chanda, J.)

(Sahidullah Munshi, J.)

