

21.09.2020
tkm
sl no. 60

C.R.M. 6530 of 2020
CRAN 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 Dinhata P.S case no. 144 of 2020 dated 8.5.2020 under sections 341/325/326/304 of the Indian Penal Code

Allowed In Re : Rashidul Islam & Anr. petitioners

Mr. Sabir Ahmed
Mr. A Saha
Mr. S Sankar

..... for the petitioners

Mr. S. S Chakraborty

..... for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

It is submitted on behalf of the petitioners that the deceased had murdered his daughter. As a result there was a commotion and he was assaulted. He succumbed to his injuries. It is submitted that the petitioner had also suffered injuries in the course of the melee.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim had suffered serious injuries and had died.

We have considered the materials on record. Incident occurred as a counter-blast to the brutal act of murder by the deceased. There is no material to show that the alleged assault on

the deceased was a pre-planned one or there was intention to commit murder.

In view of the aforesaid facts, we are of the opinion custodial interrogation of the petitioners may not be necessary and they may be granted grant anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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 being CRM 6530 of 2020 is disposed of.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)