

16.09.2020
Item No.51
Court No.08
Dc/Aj.

Allowed

C.R.M. 6618 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Falakata P.S. Case No. 239 of 2020 dated 30.07.2020 under Sections 447/304/34 of the Indian Penal Code.

And

In the matter of : Sri Parimal Barman. ... Petitioner.

Mr. Arnab Saha. ... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy. ... For the State.

Petitioner undertakes 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.

Learned counsel appearing on behalf of the petitioner submits that there was scuffle between the parties. As a result the victim had suffered injury on his hand. After treatment, he returned home. After a few days, he died due to poor condition of his heart. A false case was instituted against the petitioner because of previous grudge.

Learned counsel appearing on behalf of the State, in his usual fairness, submits that the medical report confirms that the victim died due to poor condition of his heart.

Considering the nature of allegations and the materials available against the petitioner, we do not think that

custodial interrogation of the petitioner is required in this case. Hence, we allow the application for anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer as and when required.

C.R.M. 6618 of 2020 and C.R.A.N. 1 of 2020 are disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)