

19-11-2020
Subha
Item no.32
Anti-cipatory
bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.8681 of 2020

Raj Kumar Gayen and another

-vs-

The State of West Bengal
(via video conference)

In Re: An application for **anticipatory bail** under **Section 438 CrPC** apprehending arrest in connection with Usthi P.S. Case No.251 of 2020 dated August 7, 2020 under sections 341/328/307/34 of the Indian Penal Code.

Mr. Dipanjan Chatterjee
Mr. Kalyan Kumar Bhattacharjee ...for the petitioners.

Mr. Saibal Bapuli, APP ... for the State.

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within forty-eight hours of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

This case is about an unnatural death due to alleged poisoning. The occurrence took place on 3rd August, 2020. Charge-sheet was submitted on 19th October, 2020. The petitioners were not named in the First Information Report although the charge-sheet mentions their names.

Two accused persons have already been granted bail by the trial court.

It appears from the submission of the learned advocate appearing for the State that the evidence regarding the involvement of the petitioners is quite weak. Moreover, in the dying declaration the victim did not mention the petitioners although their names appear in

the statement made under Section 164 of the Code of Criminal Procedure.

In those circumstances, we allow the said application for anticipatory bail.

In the event of arrest, the petitioners will be released on bail upon furnishing security of Rs.10,000/- (Rupees ten thousand only) each together with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioners shall also comply with the conditions laid down in section 438(2) of the Code of Criminal Procedure.

CRM 8681 of 2020 is, thus, disposed of.

[I.P. Mukerji, J]

[Md. Nizamuddin,J.]

