

37 20.11.2020
rkd Ct. No.03
(Allowed)

C.R.M. 9041 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip** P.S. Case No. **361 of 2020** dated **18/09/2020** under Section **448/304/34** of the Indian Penal Code.

And

In the matter of: Sukanta Debnath @ Bapi & Anr.

....petitioners.

Ms. D. Brahma

...for the petitioners.

Mr. G. Wilson

...for the State.

It is submitted on behalf of the petitioners that the victim was creating a nuisance in the locality in an inebriated condition and they have been falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that petitioners had assaulted the victim.

We have considered the materials on record. We note that the victim in an inebriated condition misbehaved with his wife and created nuisance. His father called for help. In view of the aforesaid factual backdrop whether the petitioners had intended to murder the victim or not is to be assessed at the appropriate stage of the proceeding. Statements of witnesses are also general and omnibus in nature. Hence, we are inclined to grant anticipatory bail to the petitioners.

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 for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)