

27.11.2020
tkm/ct 3
sl no. 77

**C.R.M. 9237 of 2020
(via video conference)**

Allowed

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with New Jalpaiguri P.S case no. 574 of 2020 dated 17.5.2020 under sections 498A/304B of the IPC

and

In Re : Md. Israil & Ors. petitioners

Mr. Sayan De
Mr. K Shome

..... for the petitioner

Mr. A S Chakraborty

..... for the State

It is submitted on behalf of the petitioner that the victim suffered natural death.

Learned lawyer for the State opposes the payer for anticipatory bail and submits though no external/internal injury was noted in the post mortem report, FSL report is outstanding.

In view of the facts and circumstances of the case and as the allegation of physical assault/torture is not supported by external or internal injury in the post mortem report annexed to the petition, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted 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/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application being CRM 9237 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)