

27.11.2020

BP/BR
Sl.28

CRM 9407 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Raghunathganj Police Station Case No. 286 of 2020 dated 17.06.2020 under Sections 120B/302 of the Indian Penal Code.

In the matter of : Jakir Sk & Ors.....petitioners

Mr. Yusuf Ali Dewan
Mr. Asif Dewan

..for the petitioners.

Mr. Ranabit Roychowdhury
Mr. Mainak Gupta

..for the State.

The petitioners undertake to appropriately stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

It is submitted by Mr. Dewan, learned advocate for the petitioners that the petitioners and the deceased are all in a bike riding race. Unfortunately the deceased had fallen from the bike and succumbed to death. It is nothing but a clear case of road accident. Therefore, the prayer for anticipatory bail

should be allowed.

Learned advocate for the State submits that they have complied with the procedure under Section 41A of the Code of Criminal Procedure.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the record, in our considered view, since the death was occurred due to the accident, therefore, the application for anticipatory bail should be allowed. Accordingly, we allow the prayer for anticipatory bail.

In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer of the case.

The aforesaid order shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 9407 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)