

21.12.2020
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Sdas
allowed

**CRM 10532 of 2020
(via video conferencing)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar P.S. Case No. 875 of 2020 dated 24.09.2020 under Sections 304/34 of the Indian Penal Code.

In the matter of : Rabiul Momin & Anr.Petitioners.

Mr. Arup Kumar Bhowmick
...for the Petitioners.

Mr. Prasun Kumar Datta
Mr. Nirupam Dhali
...for the State.

We have considered the materials on record. In incident occurred in the course of an altercation as per F.I.R. Statements of the witnesses disclose primary role of a co-accused in pushing the victim resulting in head injury and ultimate death.

In view of the extent of complicity of the petitioners in the alleged crime and as possibility of false implication due to prior enmity cannot be ruled out, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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.

The application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)