

54 07.01.2020
ss Allowed

C.R.M. 121 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 03.01.2020 in connection with Bagdogra P.S. Case No. 46 of 2019 dated 11.02.2019 under sections 302/34 of the Indian Penal Code.

And

In the matter of : Subham Pandey & Anr.

Mr. Tapan Dutta Gupta
Mr. Sayantan Hazra

... ... for the petitioners

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... ... for the State

It is submitted on behalf of the petitioners that there are case and counter-case between the parties. Death of the victim was due to natural causes.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim died due to injuries.

We considered the materials on record. There are contradictory opinions with regard to cause of death of the victim. There is delay in lodging the first information report and it is submitted case and counter-case have been registered between the parties. In view of the aforesaid facts, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct in the event of arrest the petitioners shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)