

38 11.02.2020
ss Allowed

C.R.M. 1357 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 05.02.2020 in connection with Nagrakata P.S. Case No. 136 of 2019 dated 20.12.2019 under sections 498A/306 of the Indian Penal Code.

And

In the matter of : Lakhmi @ Laxmi Ghosh & Ors.

Mr. Debasish Mukhopadhyay

... ... for the petitioners

Mr. S.S. Imam

Mr. Arabinda Manna

... ... for the State

It is submitted on behalf of the petitioners that the victim suffered accidental burns. He relies entries made in the medical papers.

Learned lawyer for the State submits that the victim had been set on fire by the accused persons.

We have considered the materials on record. Statements of witnesses are at variance with regard to the history of assault noted in the medical papers annexed to the petition. In view of the aforesaid dichotomy with regard to the genesis of the incident, we are of the opinion custodial interrogation of the petitioners may not necessary and they may be granted anticipatory bail.

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. Petitioners shall appear before the investigating officer and hand over their passports, if any, within four week from date. In the event they do not have passports, they shall personally appear before the investigating officer and furnish affidavits to that effect within the time frame mentioned hereinabove.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)