

73 14.02.2020
rkd Ct. No.28
(Allowed)

C.R.M. 1707 of 2020

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **13/02/2020** in connection with **Falakata** P.S. Case No. **716 of 2019** dated **30/12/2019** under Section **304/34** of the Indian Penal Code.

And

In the matter of: Girobala Barman & Anr.

....petitioners.

Mr. A. Saha

...for the petitioners.

Mr. S. Banerjee,

Mr. S. De

...for the State.

It is submitted on behalf of the petitioners that the victim died due to accidental electrocution. Ingredients of the alleged offence punishable under Section 304 of IPC are not disclosed in the facts of the case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and refers to the first information report.

Having considered the materials in the case diary including the statement of witnesses recorded during investigation and in the light of the submission that the victim suffered accidental electrocution, we are of the opinion whether ingredients of the offence punishable under Section 304 of IPC are disclosed in the facts of the case or not may be assessed at the appropriate stage of the proceeding. However, in the facts of the case we are inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs. 10,000/- 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, 1973. Petitioners shall meet the Investigating Officer once in a week

until further orders and hand over their passports, if any, within fortnight 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.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)