

10.01.2020
Court No.28
Sl No.13
AP

CRM 12494 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **24.12.2019** in connection with **Alipurduar** Police Station Case No. **176/2019** dated **08.05.2019** under Sections **302/201** of the Indian Penal Code.

And

In the matter of: **Sri Santu Paswan @ Pasman**

....Petitioner.

Mr. P. Bhattacharya

...for the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. B. Bhattacharya

...for the State.

It is submitted on behalf of the petitioner that there is no direct evidence connecting the petitioner with the alleged crime.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim had sustained injuries in the course of a scuffle. The petitioner was treated at Government Hospital on the fateful day.

We have considered the materials on record. Involvement of the petitioner has transpired from the statement of co-accused persons. Although there are statements of witnesses under Section 164 of the Cr.P.C. that the petitioner was medically treated on the date of the incident, the said statements do not give rise to an interference that the injury on the petitioner was caused in the course of the scuffle leading to the death of the victim. In view of the aforesaid circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 and on condition that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)