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20-05-2021

Court 28

**C.R.M. 1412 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No. 854 of 2019 dated 17.12.2019 under sections 304/34 of the Indian Penal Code.

Ajad Sk.
Versus
State of West Bengal

Allowed

Mr. Prabir Majumder, Adv.

...for the petitioner.

Mr. Rana Mukherjee, Adv.

Ms. Puspita Saha, Adv.

...for the State.

It is submitted on behalf of the petitioner that the petitioner is the son of the victim and has no involvement in the alleged offence. The principal accused has been granted bail by a coordinate Bench of this Court.

The State opposes the prayer for anticipatory bail and refers to the case diary including the statement of witnesses under Section 164 of the Code of Criminal Procedure as well as the post-mortem report of the victim.

It appears that the petitioner is the son of the victim who suffered from cardiac problems. Charge-sheet has been submitted. The principal accused is on bail.

Having regard to the extent of complicity of the petitioner in the alleged crime, we are inclined to hold that his custodial interrogation may not be required and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner namely, Ajad Sk., shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, 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.

The application for anticipatory bail is allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)