

Item No.24
11-08-2021
(ct. no.32)
(AD)
Allowed

(Via Video Conference)

CRM 1807 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar Police Station** Case No. **681 of 2020** dated **06.12.2020** under Sections **302** of the Indian Penal Code.

- A n d -

In the matter of : Dipak Mandal

.... Petitioner.

Mr. Arup Kumar Bhowmick

... For the Petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
Mr. A. K. Datta

... For the State.

The petitioner has been charged under Section 302 of the Indian Penal Code.

The petitioner says that another case has already been initiated against him in connection with the selfsame incident under Section 326/379 of the Indian Penal Code. In connection with that case, the petitioner has been granted anticipatory bail by the learned Court below.

We have heard the learned counsel for the State who draws our attention to the relevant material in the case diary. Learned Advocate fairly submits that the petitioner is correct in saying that in respect of the selfsame incident he has already been granted anticipatory bail by the learned Court below. Further, the material in the case diary reveals that the victim died of jaundice.

Having considered the facts and circumstances of the case and in view of what we have recorded above, although charge sheet has not been filed, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary so long as he cooperates with the investigating officer.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

The application for anticipatory bail being CRM 1807 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)