

CRM No.1826 of 2021

Via video conference

04.06.21

(S.R.)

Sl.27

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chakdah** Police Station Case **No.117 of 2020** dated **10.04.2020** under Sections **304/34** of the Indian Penal Code;

And

In re: Dipanjan Sarkar

... petitioner.

Mr. Shibaji Kumar Das

... for the petitioner.

Mr. Saibal Bapuli

Mr. S. Ganguli

...for the State.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner is a student of Kalyani University and is pursuing his graduation course. On the fateful day, the son of the *de facto* complainant accidentally got drowned in a river and ultimately expired. The petitioner himself informed the incident to the *de facto* complaint. The complaint was lodged three months after the alleged incident. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Ganguli, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the injury report and the statement of the witnesses as recorded under Section 161 of the code.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. The post-mortem report clearly indicates that it was a case of drowning. There was no other injury on the body of the deceased. Considering the nature of allegations and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Dipanjan Sarkar**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Accordingly, the application for anticipatory bail being CRM No.1826 of 2021 is allowed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)