

39. 01.10.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3430 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **16/04/2021** in connection with **Kotwali Police Station Case No. 274 of 2021** dated **24/03/2021** under Sections **337/325/308/34** of the Indian Penal Code read with Section **20(A)** of the Indian Medical Council Act.

And

In the matter of: - **Tapas Saha & Ors.**

...petitioners.

Mrs. Karabi Roy

...for the petitioners (through V.C.).

Md. Anwar Hossain,

Ms. Sreyashee Biswas

...for the State.

The allegation is that the petitioner no.1 is a quack Doctor and the other petitioners are his Compounders. The son of the *de facto* complainant was administered some medicine which was supplied by the petitioners. The complainant's son fell ill after having such medicine. When the complainant and his associates went to the petitioners to lodge protest, they were assaulted by the petitioners.

We have seen the material in the Case Diary. The injury report does not reveal anything significant.

Considering the material in the Case Diary and the nature and gravity of the alleged offence as also the possible extent of complicity of these petitioners therein, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Tapas Saha, 2. Joydeb Ghosh, 3. Tapas Nath @ Debnath** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 3430 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)