

16.11.2021

Serial no. 47

Dd

(Through Video Conference)

CRM 4645 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **168** of **2021** dated **08.03.2021** under Sections **306** of the Indian Penal Code.

-And-

In the matter of : **Uttam Kumar Sarkar**
... **Petitioner**

Mr. Sagar Saha,
Mr. Subir Debnath,
Ms. Roma Roy, Advocate
... ... For the Petitioner

Mr. Tanmoy Kr. Ghosh,
Ms. Sima Biswas, Advocates
... ...For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the complaint was lodged 16 days after the incident. The petitioner was one of the persons who removed the deceased to the hospital. He highlights the fact that the deceased did not make any statement implicating the petitioner in the incident.

Learned advocate for the State draws the attention of the Court to the statement of the daughter of the victim recorded under Section 161 of the Criminal Procedure Code as also to the postmortem report.

Considering the materials in the case diary and considering the fact that victim although being alive for 7 days, did not make any statement implicating the petitioner and considering the statements recorded under Section 161

of the Criminal Procedure Code of the daughter of the victim and also considering the fact that police submitted the charge sheet, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and on a further condition that the petitioner shall appear before the jurisdictional Court on every date fixed for hearing.

Prayer for anticipatory bail is **allowed**.

CRM 4645 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)