

09.12.2021

Court No.32
rpan / 169

CRM 5714 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Bablu Gupta @ Lala Gupta**

- Petitioner

Mr. Apurba Kumar Datta

... for the Petitioner.

Mr. Imran Ali,

Ms. Debjani Sahu

... for the State.

Apprehending arrest in connection with Asansol (North) Police Station Case No.254 of 2020 dated 19.10.2020 under Sections 304/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Datta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. A co-accused person, similarly situated with the petitioner, has already been granted anticipatory bail by a coordinate Bench of this Court. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Ms. Sahu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statements of the witnesses and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears from the post-mortem report that death was due to the effects of diseased condition of lungs. Upon a cumulative assessment of the materials in the case diary and the role of the petitioner, it appears that he is similarly situated with one Monish Gupta @ Manish Kumar Gupta, who has already been granted anticipatory bail. In the said conspectus, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Bablu Gupta @ Lala Gupta** 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.

It is further directed that the petitioner shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 5714 of 2021 is, thus, disposed of.

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

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)