

15.11.2021.

Item No. 49

ap
(Allowed)

**C.R.M. 7016 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 26.10.2021 in connection with Gangarampur Police Station Case No. 362 of 2021 dated 12.09.2021 under Sections 279/338/304 of the Indian Penal Code.

And

In the matter of: Prafulla Debsharma & Anr.

...Petitioners.

Mr. Ashim Kumar Chakraborty,
Mr. Sajal Kanti Bhattacharyya,
Mr. Sarthak Burman.

...For the petitioners

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.

....For the State

It is submitted on behalf of the petitioners that the ingredients of the offence punishable under Section 304 of the Indian Penal Code are not disclosed in the facts of the present case.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners were driving pick up vans in a rash and negligent manner resulting in death of two motorcycle drivers.

We have considered the materials on record.

It is nobody's case that the petitioners do not have driving licence or were driving in an inebriated condition.

In this factual matrix, whether the conduct of the petitioners would disclose the ingredients of the offence punishable under Section 304 of the Indian Penal Code may be assessed at the appropriate stage of the proceeding.

However, considering the facts and circumstances of the case, we are of the view that the custodial interrogation of the petitioners may not be necessary and the petitioners may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- each, 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.

The application for anticipatory bail is, thus, disposed of.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)