

31 26.11.2021
(AD)
Court No.29
(Allowed)

**C.R.M. 7522 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.09.2021 in connection with **Hogalberia** P.S. Case No. **157 of 2021** dated **06/07/2021** under Sections **302/34** of the Indian Penal Code. Later on charge sheet submitted under Section **306** of the Indian Penal Code.

And

In the matter of: Jaydeb Pramanik & Ors.

....petitioners.

Mr. Sourav Chatterjee
Mr. Asraf Mandal
Mr. Aditya Tiwari

...for the petitioners.

Mr. Saibal Bapuli, Ld. APP
Mr. Soumik Ganguli

...for the State.

Leave granted to amend the cause title.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that initially the First Information Report was lodged under Section 302/34 of the Indian Penal Code and that too after three months of the incident by way of an order passed under Section 156(3) of the Code of Criminal Procedure. He submits that the police submitted charge sheet under Sections 306/34 of the Indian Penal Code.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary including the statements recorded under Section 164 of the Code of Criminal Procedure.

Considering the facts and circumstances of the case and

considering the fact that the First Information Report was lodged three months after the incident and considering the fact that the police submitted charge sheet, *inter alia*, under Section 306 of the Indian Penal Code, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- each with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the jurisdictional Court on the dates fixed for trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 7522 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)