

CRM 7596 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Manab Mete**

..... petitioner

Mr. Sujoy Sarkar

.....For the petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

.....For the State

Apprehending arrest in connection with Nanoor Police Station Case No. 92 of 2021 dated May 24, 2021 under Sections 498A/304/34 of the Indian Penal Code, the instant application is filed praying for anticipatory bail.

Mr. Sarkar, learned lawyer appearing for the petitioner submitted that the injury in stomach was sustained by the victim because of sudden fall and injury is accidental in nature. It is not caused by the present petitioner as alleged. No overt act is attributable to the present petitioner in connection with death of the victim. Therefore, custodial interrogation is not necessary having regard to paucity of incriminating elements. Accordingly, anticipatory bail of the present petitioner is prayed for on any stringent condition.

Per contra, the learned lawyer representing the State submitted that strong incriminating elements are there in the case diary connecting the present petitioner directly to the alleged crime. He invited our attention to the statements of the witnesses and medical reports.

We have heard rival submissions and perused the case diary. The statement of the children of the victim as well as the present petitioner shows that the present petitioner assaulted and kicked the victim on stomach. Medical report and the statement of doctor also corroborates that. But the petitioner, as appears from the case diary, did not take necessary medical steps for treatment of the victim as advised by the doctor. Without commenting anything on the merit, we are of the considered opinion that because of seriousness of offence and presence of incriminating materials, we are not inclined to exercise our discretion and the application, accordingly, stands rejected.

The application CRM 7596 of 2021 is dismissed.

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.)