

C.R.M. 11270 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kushmandi Police Station Case No. 76 of 2019 dated 27.06.2019 under section 304/34 of the Indian Penal Code.

In re : Nimai Mondal

... Petitioner.

Ms. Jeenia Rudra,
Ms. Salini Dey

... for Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

... for State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Nimai Mondal is taken up for hearing and order.

It is submitted on behalf of the petitioner that he has no nexus with the alleged offence and has been falsely implicated. Investigation is complete.

The State opposes the prayer for anticipatory bail and refers to the case diary including the post mortem report of the victim and the statement of witnesses.

The petitioner is not named in the FIR and the post mortem report of the victim reveals that his death was due to diseased heart condition. No specific overt act by the petitioner is found in the case diary. Charge sheet has been submitted.

Considering the extent of complicity of the petitioner in the alleged crime, we are inclined to hold that custodial interrogation of the petitioner is not required and as such, he is entitled to

anticipatory bail.

Accordingly, we direct that in event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11270 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)