

C.R.M. 11277 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Asansol (North) Police Station Case No. 254 of 2020 dated 19.11.2020 under section 304/34 of the Indian Penal Code.

**In re : Monish Gupta @ Manish Kumar Gupta
... Petitioner.**

Mr. Shibaji Kr. Das ... for Petitioner.

Mr. P. K. Datta, Ld. A.P.P.,
Mr. Santanu Deb Roy ... for State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Monish Gupta @ Manish Kumar Gupta is taken up for hearing and order.

It is submitted on behalf of the petitioner that the petitioner is innocent and is not involved in the alleged offence. On the relevant date the victim returned home in an inebriated condition and there was scuffle between the victim and his parents in which the victim sustained injury and succumbed to his injuries after about seven days.

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

It appears from the post mortem report of the victim that his death was due to diseased condition of lungs and no prima facie material is found against the petitioner in the case diary. FIR was lodged after considerable delay and the victim also expired about

seven days after his injury during which he was in his house.

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 he may be granted 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. 11277 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)