

18.01.2021
SL No.32
AP/ss

CRM 4 of 2021
(Through Video Conference)

Nabiul Hussain and Anr.

... Petitioners.

Vs.

The State of West Bengal

... Respondent.

M/s Arijit Ghosh and
Swarnali Ghosh (Sengupta), Advocates
...for the Petitioners present in Court.

M/s Ujjwal Luksom and
Namrata Das, Advocates
...for the State present in Court.

The present application has been filed seeking pre arrest bail in Kalchini Police Station Case No. 41 of 2020 dated 27.03.2020 registered under Section 304 of the Indian Penal Code.

The learned counsel for the petitioners submitted that this is a case of hit and run. FIR was registered against unknown persons. It was later on, on the basis of footage from a CCTV camera installed near the place of incident that the petitioners were involved in the case in hand. There is no direct material showing involvement of the petitioners except that CCTV footage, which does not contain the accident. It only shows that the vehicle had passed through that road. At the most, offence can be under Sections 279 and 304A IPC. No offence is made out under Section 304 of the Indian Penal Code.

On the other hand, learned counsel for the State submitted that it is a case of hit and run. During investigation from footage from a CCTV camera installed near the place of accident, the vehicle which

was involved in the accident was found. It was being driven by the petitioners. Hence, a case under Section 304 of the Indian Penal Code is made out and the petitioners are not entitled to pre arrest bail.

After hearing learned counsel for the parties and considering the facts and circumstances of the case as noticed above, however, without recording any finding thereon, we find it to be a fit case for grant of pre arrest bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing bonds to the satisfaction of the arresting officer. The petitioners shall be bound by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The present petition is disposed of accordingly.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)