

21.01.2021
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**CRM 93 of 2021
(Through Video Conference)**

Hemanta Oraon @ Sachin Oraon Petitioner
Vs.
The State of West Bengal ... Respondent

Mr. Hillol Saha Podder, Advocate
...for the Petitioner. Present in Court.

Mr. Ujjwal Luksom with
Mr. Tapan Bhattacharjee, Advocates
...for the State. Present in Court.

The present application has been filed for grant of pre-arrest bail to the petitioner in Falakata P.S. Case No.134 of 2019 dated 2.4.2019 registered under Sections 306/34 of the Indian Penal Code.

The learned counsel for the petitioner submitted that the deceased consumed poison on 7.3.2019. He died in hospital on 15.3.2019. The complaint was filed by his father on 2.4.2019. There is no dying declaration or suicide note in the case in hand. The other three accused named in the FIR have already been granted pre-arrest bail by this court. The petitioner has been falsely implicated.

On the other hand, the learned counsel for the respondent submitted that there are statements of the neighbours of the deceased recorded under Section 161 Cr.P.C. alleging torture of the deceased by the petitioner. He consumed poison. The delay in registration of FIR may be for the reason last ritual of the deceased have to be performed.

After hearing learned counsel for the parties we are of the considered view that a case is made out for grant of pre-arrest bail to

the petitioner as neither there is any suicide note nor the dying declaration available to show that anyone is accused of instigating the deceased to commit suicide. All what has been stated by the complainant is that on the way to hospital on 7.3.2019 the deceased informed that he consumed poison on account of torture by all the accused named in the FIR. Still no effort was made to get his statement, recorded when he was under treatment in the hospital for a period of eight days.

Keeping in view the aforesaid factual matrix, in our opinion, the petitioner deserves the concession of pre-arrest bail.

Accordingly, it is directed that in case of arrest, the petitioner shall be released on bail subject to furnishing of bail bonds to the satisfaction of the arresting officer. In addition, the petitioner will abide by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 93 of 2021 is disposed of.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)