

SL. 57.
March 16, 2021.
MNS

CALCUTTA HIGH COURT
IN THE CIRCUMIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
C.R.M. 99 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on January 18, 2021 in connection with Alipurduar Police Station Case No. 141 of 2019 dated April 17, 2019 under sections 302/120B of the Indian Penal Code, 1860.

And

In Re : Purnachandra Adhikari and another
... petitioners.

Mr. Jagriti Mishra,
Mr. Subham Gupta,
Mr. Debayan Goswami
... for the petitioners.

Mr. Kallol Acharjee,
Mr. Saikat Chatterjee
... for the State.

Heard learned advocates appearing for the respective parties.

Learned counsel for the petitioners submits that there are insufficient materials to incriminate the petitioners of the offences as levelled against the petitioners. It is submitted that the primary basis on which the petitioners apprehend arrest is at best the evidence of local people in the neighbourhood of the accident/offence, who said that the deceased victim had conveyed that the petitioner no. 1 knows everything.

Learned counsel for the State submits that although there is insufficient material in respect of petitioner no. 2, there are sufficient materials on record to refuse the benefit of anticipatory bail to the first petitioner.

Upon a perusal of the relevant medical reports, it appears that the chance of an accident being the cause of

the death cannot ruled out, even as per the opinion of the concerned Doctor.

That apart, the hearsay evidence of the people in the neighbourhood who were present at the relevant time, that too on a vague footing that the petitioner no. 1 “knows everything” might not be sufficient to curtail the personal liberty of the petitioners at the present stage.

Accordingly, the application for anticipatory bail is allowed.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each to the satisfaction of the Court and also subject to compliance of the conditions stipulated in section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall attend the trial on all dates.

The application being CRM 99 of 2021 is disposed of in the light of the above observations.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)