

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

20.04.2021
Ct.1
RP 24
Allowed

CRM 271 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Shamuktala Police Station Case No.268 of 2020 dated 10.12.2020 under Sections 304 of the Indian Penal Code.

And

In the matter of : Parag Bose

.... Petitioner

Mr. Sudip Guha

.... For the Petitioner

Mr. Abhijit Sarkar
Mr. Sourav Ganguly

.... For the State

It is submitted on behalf of petitioner that the petitioner has been falsely implicated and this can at best be a case under Section 304A of IPC as the incident was purely an accident.

The State produces the case diary and refers to the statement of the witnesses and opposes the prayer for anticipatory bail.

It appears from the case diary that besides statement of witnesses under Section 161 of CrPC there is no other material prima facie supporting the allegation under Section 304 of IPC against the petitioner. The statement of witnesses under Section 161 of CrPC also does not inspire

much confidence of the Court for the purpose of adjudication of this anticipatory bail.

Having considered the materials in the case diary, we are inclined to hold that the custodial interrogation of the petitioner is not required and he may be granted anticipatory bail subject to conditions.

Accordingly, in the event of arrest, the petitioner is directed to 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. The petitioner will abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and shall meet the investigating officer once in two weeks till completion of investigation.

CRM 271 of 2021 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

