

SL. 20
March 24, 2021.
AKG

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 384 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on March 18, 2021 in connection with Kotwali Police Station Case No. 109 of 2018 dated February 10, 2018 under section 304 of the Indian Penal Code.

And

Allowed

In Re : Potley @ Dinanath Routia @ Minj

... petitioner.

Mr. Sandep Dutta

... for the petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy.

... for the State.

Learned counsel for the petitioner submits that the death of the victim might have occurred due to his advanced years. Moreover, the petitioner had gone to the victim's place on being called by her.

However, learned counsel for the State opposes the prayer for anticipatory bail and submits that the son of the victim, in his statement, implicated the petitioner. The nature of the allegation is that the death occurred due to assault committed by the petitioner and others on the suspicion that the victim was a wizard, practising witch-craft.

It appears from the materials on record that the wife of the victim has not corroborated such allegation against the petitioner

and there is sufficient scope of extending the benefit of doubt to the petitioner.

Accordingly, CRM 384 of 2021 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall abide by the conditions stipulated under Section 438 (2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner shall appear before the Investigating Officer once in a week till the charge sheet is filed.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)