

29.03.2022

101

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 154 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Contai** Police Station Case No. **119** of **2021** dated **01.04.2020** under Sections 302/34 of the Indian Penal Code, 1860.

And

In Re : Badal Kumar Maiti

..... petitioner

Mr. Soumik Ganguly

....for the petitioner

Mr. Ranabir Roychowdhury

Mr. Mainak Gupta

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The police complaint was registered consequent upon an order passed under Section 156(3) of the Code of Criminal Procedure and that too four months after the alleged incident. The victim died out of an accident with the vehicle not being identified.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the victim.

In one of the injury report of the victim, it transpires that the victim confide in a motor cycle and was hit by a car, which was unknown to the victim.

The post mortem report of the victim corroborates that the death was by way of an accident.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

