

23.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1358 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mandir Bazar** Police Station Case No. **171** of **2020** dated **02.08.2020** under Sections 342/323/325/306/34 of the Indian Penal Code, 1860.

And

In Re : Sri Somnath Sardar

..... petitioner

Mr. Srikrishna Samanta

....for the petitioner

Mr. N. P. Agarwala

Mr. Saryati Dutta

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, all other co-accused were granted bail by the Jurisdictional Court. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the post mortem report and to the statement recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

Considering the post mortem report, which notes that death was 'due to hanging ante mortem in nature' and

considering the fact that deceased did not carry any other injury as appearing from the post mortem report apart from the hanging and considering the fact that the police filed charge-sheet, 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 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.)

