

15.06.2022
Sl. No.115
akd
[ALLOWED]

C. R. M. (A) 1904 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.04.2022 in connection with Uttarpara Police Station Case No. 87 of 2022 dated 24.03.2022 under Sections 279/304/34 of the Indian Penal Code. (G.R. Case No.448 of 2022)

And

In Re: ***Rishi Shukla***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioner

Mr. S. S. Imam
Mr. Arabinda Manna

... .. for the State

It is submitted on behalf of the petitioner that ingredients of offence punishable under Section 304 IPC are not disclosed in the facts of the case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits petitioner was driving in an inebriated condition and a person died.

We have considered the materials on record. No medical report with regard to drunkenness of the petitioner is placed on record. Whether conduct of the petitioner would constitute ingredients of the offence punishable under Section 304 IPC may be assessed during trial. Keeping in mind the aforesaid facts and circumstances of the case, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Rishi Shukla***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two

sureties of like amount each, to the satisfaction of the arresting officer and also 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 appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)