

**10.05.2022**

**Serial no.109**

**Ct. No. 29**

Aloke

**CRM 3084 of 2021**

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

**-And-**

**In the matter of : Rajkumar Pradhan**

**... ..Petitioner**

Mr. Jayanta Narayan Chatterjee, Advocate

Mr. Debasish Kar, Advocate

Ms. Paramita Mukherjee, Advocate

Ms. Jayashree Panda, Advocate

Mr. Sentu Majumder, Advocate

Ms. Ritushree Banerjee, Advocate

... .. For the Petitioner

Mr. T. D. Nandy, Advocate

Mr. Binay Panda, Advocate

Ms. Puspita Saha, Advocate

Mr. Antarikhya Basu, Advocate

... ...For the State

Mr. Milan Mukherjee, Id. Sr. Adv.

Mr. Biswajit Manna, Advocate

... ...For the private opposite party nos. 2 to 6

Affidavit-of-service filed in Court be taken on record.

Petitioner prays for cancellation of the anticipatory bail granted by the learned Sessions Judge dated February 2, 2021.

Learned Advocate appearing for the petitioner submits that the death of the victim was due to manual strangulation. He refers to the postmortem report in support of his contention. He contends that some of the fingers of the deceased were also broken. Again he refers to the postmortem

report of the deceased. He contends that, the private opposite parties were last seen with the victim. He refers to the first information report. He submits that the learned Judge erred in considering the materials in the case diary, gravity of the offence and the involvement of the private opposite parties therein in granting anticipatory bail to the private opposite parties when the charge involved was one of murder.

State and the private opposite parties are represented.

The postmortem report of the deceased speaks of death of the deceased by manual strangulation. The postmortem report prima facie however does not sustain the contention of the petitioner that there were fingers of the deceased broken. Apparently, there was bluish discolouration of the fingers of the deceased.

The first information report is at the behest of the de facto complainant who is the father of the deceased. In the police complaint, the father of the deceased states that there were every reason to believe that out of the person who got down on to the pond along with his son, two persons were involved in the murder of his son. He names those two persons. Apart from those two persons named in his complaint he names the private opposite parties who are five in person as the persons who were sitting in the bank of the pond.

Learned Judge while considering the prayer for anticipatory bail of the private parties, considered the fact that two of the accused were granted bail. He also considered the fact that no specific overt act was attributed as against the private opposite parties who were sitting on the bank of the pond and that they were not the principal accused.

The materials placed on record, does not permit us to return a finding that the view taken by the learned Judge while granting anticipatory bail to the private opposite parties is not a plausible one.

In our view, no ground is made out by the petitioner for cancellation of the anticipatory bail granted to the private opposite parties. Consequently, we are unable to cancel the bail of the private opposite parties.

CRM 3084 of 2021 is, therefore, dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**