

29.07.2022
Serial no. 09
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 3439 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jamuria** Police Station Case No. **290** of **2022** dated **June 15, 2022** under Sections **498A/302** of the Indian Penal Code.

-And-

In the matter of : **Sanjay Chauhan**

... .. Petitioner

Mr. Tapas Kr. Ghosh,
Mr. Tanmay Chowdhury, Advocates
... .. *For the Petitioner*

Mr. S. S. Imam, (Jr. Govt. Advocate)
Mr. R. Jana, Advocate
... ..*For the State*

The police complaint was lodged 3 months after the death.

On instructions, learned advocate appearing for the State submits that no unnatural death case was initiated at the relevant point of time. Consequently, question of conducting of postmortem on the deceased did not arise. Therefore, postmortem report is not in the case diary.

In the facts of the present case, there is no medical evidence to corroborate the claim that the deceased was murdered.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only), 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner shall appear on every date 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 3439 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)