

02.09.2022

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Allowed

C.R.M. (A) No. 4182 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Suti Police Station Case No. 322 of 2022 dated 07.06.2022 under Sections 325/304/34 of the Indian Penal Code.

And

In Re : Md. Selim Sk. & Ors. petitioners

Mr. Ayan Bhattacharjee
Mr. Sagar Saha

.....for the petitioners

Mr. Binay Panda
Mr. Subham Bhakat

....for the State

Learned Counsel appearing for the petitioners submits they are the board members of one Murshidabad Poribartan Foundation which runs a rehabilitation center. It is also submitted that one inmate unfortunately died in that center. Petitioners were not present at the place of occurrence. Co-accuseds have been enlarged on bail.

Learned Counsel appearing for the State opposes prayer for anticipatory bail and submits the inmate was physically assaulted in the rehabilitation center and as a result he died.

We have considered materials on record including the statements of other inmates in the center. They stated the victim was assaulted by one Masud Alam and Abu Taher. Both of them have been enlarged on bail. Petitioners are the board

members of the society and it is contended they were not present at the time of occurrence. Keeping in mind the extent of complicity of the petitioners in the alleged crime and as principal accuseds are on regular bail, we are of the opinion that custodial interrogation of the petitioners for progress of investigation is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that they shall meet the investigating officer once in a week until further orders.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)