

06.01.2022
tkm/ct 29
sl no. 5

**C.R.M. 8698 of 2021
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Krishnanagar-Kotwali P.S case no. 1019 of 2021 dated 14.10.2021 under sections 302/34 of the Indian Penal Code

And

Allowed

In Re : Jit Mandal & Anr.

..... petitioners

Mr. Asraf Mandal

..... for the petitioners

Mr. M Sur

Mr. D Paramanick

..... for the State

It is submitted on behalf of the petitioners that the victim was alcoholic and died due to nature causes. It is further submitted that the allegation of physical assault is not supported by external injuries on the body of the deceased.

Learned lawyer for the State opposes the prayer for anticipatory bail. He submits that the petitioners and others had assaulted the deceased. Petitioners have criminal antecedents.

We have considered the materials on record. No doubt statement of witnesses speak of random physical assault. No post mortem was conducted and cause of death is uncertain. No external injury was noted on the body of the deceased. Cause of hematuria is also unclear.

Under such circumstance particularly due to lack of clarity as to the cause of death, we are of the opinion custodial interrogation of the petitioners 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/- 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 further condition that petitioners while on bail, shall meet the investigating officer once in a week until further orders.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 8698 of 2021 is disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)