

23.11.2022
09
Ct. No. 29
KAUSHIK
Allowed

C.R.M.(A) 5332 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Andal** Police Station Case No. **210** of **2022** dated **17.06.2022** under Sections 452/323/307/354/379/506/34 of the Indian Penal Code, 1860.

And

In Re : MaynaKarmakar @ MainaKarmakar & Anr.

..... petitioners

Mr. Kallol Mondal
Mr. Bratin Dey
Ms. Anjana Banerjee
Mr. Krishan Ray
Ms. M. Pramanick

....for the petitioners

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioners were falsely implicated. He refers to Post Mortem report of the deceased and submits that the deceased died out of natural causes.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. She contends that, at this stage, the petitioner ought not to possess the post mortem report of the victim.

In response, learned advocate for the petitioners submits that, an unnatural death case was registered in Asansol (South) Police Station, wherefrom the petitioner applied for and

obtained the certified copy of the post mortem report of the victim. He submits that, the police website portal allows application for the post mortem report. The petitioner paid the necessary fees and obtained the post mortem report.

Apparently, there is a certified copy of the post mortem report in possession of the petitioner issued by the Inspector-in-Charge, Asansol (South) P.S. with regard to the victim.

The post mortem report of the victim suggest that the victim died due to the diseased condition of the heart, ante mortem in nature.

The injury suffered by the victim does not suggest that they were of grievous hurt in nature.

The victim was released from the hospital initially and thereafter re-admitted.

There is also a civil suit pending between the private parties.

In such circumstances, we grant anticipatory bail to the petitioners.

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 the petitioners shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the

petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)