

05.12.2022
Serial no.18
Aloke

CRM (A) 5636 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kharagpur Local Police Station Case No. 669 of 2019 dated 28.09.2019 under Sections 342/302/201/34 of the Indian Penal Code.

-And-

In the matter of : **Ganesh Maity & Anr.**

... .. Petitioners

Mr. Navnil De, Advocate

Mr. Rajeshwar Chakraborty, Advocate

Mr. Srinjan Ghosh, Advocate

Ms. Monami Mukherjee, Advocate

... .. For the Petitioners

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Paramanick, Advocate

... ...For the State

Petitioners seek anticipatory bail.

The postmortem report of the victim states that the death was due to effects of poisoning.

The injuries noted on the body of the victim speaks of old skull marks apparently from scratch mark and that too with scub formation. There is a delay in the lodgment of the first information report of 81 days. The death occurred on July 9, 2019.

As on date the case diary does not contain any materials to state that there was any eye witness to the incident.

In such circumstances, we are inclined to 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/- (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 will report before the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 5635 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)