

CRM (A) 194 of 2022

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Debarjya Chakraborty**

..... petitioner

Mr. Sudip Guha

.....For the petitioner

**Mr. Kallol Acharjee
Ms. Namrata Das**

.....For the State

Apprehending arrest in connection with Jalpaiguri Kotwali Police Station Case No. 76 of 2022 dated 13/02/2022 under Sections 279/338 of the Indian Penal Code subsequently added Section 304 of the Indian Penal Code, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner is innocent. The unfortunate incident was an accident. There was no intention on the part of the petitioner to cause the death. In the said conspectus, custodial interrogation of the petitioner may not be necessary and he may be enlarged on anticipatory bail on any stringent condition.

Mr. Acharjee, learned advocate appearing for the state opposes the petitioner's prayer and draws our attention to several documents in the case diary and submits that there are incriminating materials on record and investigation is still continuing.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary in the facts and circumstances of the case

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Debarjya Chakraborty** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer with further condition that the petitioner shall meet with the investigating officer once a fortnight till investigation is complete and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 194 of 2022, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)