

20.12.2022

Serial no.01

[Dd]
(Allowed)

**CALCUTTA HIGH COURT
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 751 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with General Register Case No. **2040 of 2022** arising out of **Samuktala** Police Station Case No. **226 of 2022** dated **01.09.2022** under Sections **326/34** of the IPC added Section **304** of the IPC.

-And-

**In the matter of : Pradip Das @ Rakesh Das
... ..Petitioner**

*Mr. Abhimanyu Bannerjee,
Mr. Arnab Saha, Advocates
... .. For the Petitioner*

*Mr. Nilay Chakraborty, (Via video conference)
Mr. Tapan Bhattacharya, (Via video conference)
Mr. Ujjwal Luksom, Advocates
... ..For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. An altercation took place at a restaurant owned by the father of the petitioner. A person succumbed to his injuries.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He also draws the attention of the Court to the statements recorded under Section 161 of the Code of Criminal Procedure.

In answer to a query of the Court learned advocate for the State submits that, the police were not able to obtain statements of eye-witnesses to the incident.

The two statements of the near relatives of the deceased claim that they heard that the petitioner were involved.

Considering the materials in the case diary and considering the nature of evidence presently available as against the petitioner, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 petitioner shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 751 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)