

17.01.2023
Serial no. 36
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 208 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No. **469** of **2022** dated **21.07.2022** under Sections **302/34** of the Indian Penal Code.

-And-

In the matter of : **Swapan Saha @ Swapan Kumar Saha**
... .. Petitioner

Mr. Atis Kr. Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal, Advocates
... .. *For the Petitioner*

Mr. Saibal Bapuli, Id. APP
Mr. Soumik Ganguli , Advocate
... ..*For the State*

Police filed charge sheet under Section 304 of the Indian Penal Code, 1860 after conducting an investigation under Section 302 thereof.

The postmortem report of the victim states that the death was due to cardiogenic shock in a pre-existing heart disease which is ante-mortem in nature.

In such circumstance, 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 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) 208 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)