

14.03.2023
Serial no. 54
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 1069 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nalhati** Police Station Case No. **466** of **2022** dated **09.12.2022** under Sections **304/34** of the IPC corresponding to G.R. case no. 1935 of 2022.

-And-

In the matter of : **Biswajit Ghosh @ Bhola**
... .. Petitioner

Mr. Samral Choudhury,
Mr. Debnandan Bhattacharyya, Advocates
... .. *For the Petitioner*

Mr. Navanil De, Advocate
... ..*For the State*

The postmortem report of the victim suggests that the death occurred due to a deceased condition of heart.

Apparently, there was an altercation between the deceased and the petitioner. A time period elapsed between the altercation and the time of death.

Considering the postmortem report of the deceased and considering the fact that police filed charge sheet, 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) 1069 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)