

13.06.2023

Sl. 86

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2213 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chandipur** Police Station Case No. **401** of **2022** dated **07.11.2022** under Sections **302/34** of the Indian Penal Code, 1860 corresponding to G.R. Case No. **3267** of **2022**.

And

In the matter of: **Sk Faruk @ Munu @ Sk Irak**

....petitioner.

Mr. Debabrata Roy

Mr. Anwar Ali

Mr. Soura Sarkar

...for the petitioner.

Mr. S. S. Imam

Mr. S. Kundu

...for the State.

1. Heard learned Counsel for the parties.
2. Learned Counsel for the petitioner is allowed to make necessary correction in the cause title of the application for anticipatory bail in Court today.
3. The petitioner is alleged to have assaulted the deceased, having failed to suffer unbearable pain as a result of assault the deceased is alleged to have consumed poison. Eyewitness account is there so far as assault by petitioner and others' is concerned. But the post mortem report is indicative of a small abrasion on a non-vital part of the body like shoulder which could not have caused unbearable pain especially, in absence of corresponding internal injury.
4. We, therefore, do not feel persuaded to accept the allegation *per se* so far as abatement of suicide is concerned (our view is, however, tentative on the basis of police papers and learned trial Court is not to be influenced by such

observation).

5. We are constrained to make the aforesaid observation in view of the fact that ingredients of Section 306 IPC read with Section 107 IPC thereof are not made out from the allegations. Charge-sheet is stated to have been filed.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner and completion of investigation, it is directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Purba Medinipur in Connection with G.R. Case No. 3267 of 2022 arising out of Chandipur Police Station Case No. 401 of 2022 dated 07.11.2022 within 15 days from today. On his appearance and application for bail he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2213 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

