

20.07.2023
SL. 15
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2580 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Joypur** Police Station Case No. **187 of 2022** dated **31.12.2022** under Sections **304/34** of the IPC.

And

In the matter of: **Habibur Rahaman & Ors.**

....petitioners.

Mr. Anindya Ghosh
Ms. Sumita Sarkar
Mr. Pronojit Roy

...for the petitioners.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

1. Heard learned Counsel for both the parties.
2. The informant's son aged about 2 years is alleged to have died. The postmortem report is indicative of natural death of the deceased. It is alleged by the informant that more than one year prior to the occurrence he, his wife and one year son were assaulted by the present petitioners and the boy was hospitalized, discharged and never cured thereafter. There is, however, no proximate connection in between the death and the alleged assault.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 21 days from today each of the petitioner shall appear

before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2580 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

