

30.08.2023
D/L 43 & 44
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3489 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Belda P. S. Case No.207 of 2023 dated 20.04.2023 under Sections 285/286/325/308 of the Indian Penal Code.

In the matter of : Sri Rahul Chakrabarti
@ Chakraborty

... Petitioner

With

CRM (A) 3490 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Belda P. S. Case No.207 of 2023 dated 20.04.2023 under Sections 285/286/325/308 of the Indian Penal Code.

In the matter of : Sri Ujjwal Khanra
@ Ujjal Khatua

... Petitioner

Mr. Dipanjan Chatterjee,
Mr. Suman Dutta,
Ms. Dipika Basu,
Mr. Subhadip Chakraborty,
Ms. Richa Pramanik
... for the petitioner (in both cases)

Mr. Avishek Sinha
... for the State (in CRM 3489 of 2023)

Ms. Anasuya Sinha,
Ms. Subashree Patel
... for the State (in CRM 3490 of 2023)

1. Learned counsel for the petitioners is given liberty to correct the cause title in both cases in court today.

2. Heard learned Counsel for the parties.
3. Both the applications arise out of a same P.S. case.
Accordingly, by consent of the parties, both the matters are taken up for final disposal.
4. It is fairly submitted at the Bar that the occurrence happened out of accident owing to negligence of the petitioners in both the aforesaid anticipatory bail applications.
5. In the fitness of things as found from the statements of the witness, it is the duty of the trial court to find out whether charge under Section 308 IPC or 304A IPC is to be framed.
6. Admittedly, two persons have suffered same injuries.
7. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation 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.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.

10. The applications being CRM(A) 3489 of 2023 and CRM(A) 3490 of 2023 are disposed of.
11. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)