

12.09.2023
M/L 23
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3630 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mohanpur P. S. Case No.355 of 2022 dated 15.12.2022 under Sections 302/34/448 of the Indian Penal Code.

In the matter of : Sudhangshu Payra

... Petitioner

Mr. Purnasis Bhuniya

... for the petitioner

Mr. Rudradipta Nandy, Id. APP

Ms. Sonali Das

... for the State

1. Heard learned Counsel for the parties.
2. Considered the materials placed before us including the statements of witnesses recorded under Section 161 Cr.P.C. It is alleged that the present petitioner alongwith others assaulted the victim prior to his death. From the post-mortem report, it is found that the injury on head and other parts of the body of the deceased are not sufficient to cause death and those are 2-3 days old. There is no definite opinion of the medical officer to the effect that the death of the deceased was homicidal in nature. The ligature mark around the neck of the deceased is indicative of suicidal hanging because of the facts unfolded from the genesis of events.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R. Case No.355 of 2022 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition:

i) The petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.

4. Accordingly, the prayer for the anticipatory bail is allowed.

5. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

6. The applications being CRM(A) 3630 of 2023 is disposed of.

7. 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.)