

05.12.2023

SL. 14

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4275 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Lalgola** Police Station Case No. **237 of 2023** dated **10.06.2023** under Sections **341/323/324** and adding Section **302** of the IPC corresponding to G.R. Case No. **1829 of 2023**.

And

In the matter of: **Bhaijan Sk @ Faimuddin Sk**

....petitioner.

Mr. Mijanul Kabir
Md. Wasim Akram

...for the petitioner.

Ms. Anasuya Sinha
Ms. Subhasree Patel

...for the State.

Mr. Biswajit Sarkar

...for the de facto complainant.

1. Heard learned Advocate for both the parties.
2. In course of tussle between the petitioner and the deceased during cutting of grass by them in a field, the petitioner is alleged to have assaulted the deceased by a hasua on his left hand. The occurrence happened on 01.06.2023 and on the same day the deceased was admitted to hospital. On 09.06.2023 he was discharged as he recovered from the injury. On 21.06.2023 he fell sick and again he was admitted to hospital where he died. The postmortem report is indicative of the fact that the death of the deceased is normal and natural owing to weaken condition of heart.
3. It is beneficial to mention here that the petitioner was granted bail initially and he has abided with all the conditions of bail but after addition of Section 302 IPC, he out of fear (according to learned Counsel for the petitioner) did not appear before the Court and moves this petition for anticipatory bail though warrant had already been issued against him.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence, 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 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 that:
 - i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 4275 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

