

22.11.2023

SL. 3

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4965 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chandrakona** Police Station Case No. **291** of **2023** dated **15.08.2023** under Sections **302/34** IPC (corresponding to G.R. Case No. 964 of 2023).

And

In the matter of: **Arin Dey**

....petitioner.

Mr. Atis Kumar Biswas

Ms. Jyoti Agarwal

...for the petitioner.

Mr. Neguive Ahmed, Ld. APP

Ms. Trina Mitra

...for the State.

1. Heard learned Counsel for the parties.
2. This matter has been mentioned on the ground of urgency that the petitioner is to appear in the half-yearly examination of Class XI, 2023 scheduled to be held from 21.11.2023 to 01.12.2023. On being listed, the matter is disposed of with consent by learned Counsel for the parties as it is submitted by learned Counsel for the State that CD is available and he has gone through the CD.
3. The photocopy of the schedule of examination as handed over by the learned Counsel for the petitioner be taken on record.
4. After hearing the learned Counsel for the parties and on perusal of the entire materials of the case diary, it reveals to us that the present case is entirely based on circumstantial evidence and from the post mortem report of the autopsy surgeon, it reveals that the cause of death of the victim is accidental in nature.

5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, nature of allegation and substantial progress in investigation, it is directed that petitioner shall be released on bail in the event of his arrest by the Arresting Officer 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 conditions that:
 - i) The petitioner is directed to appear before the I.O. as and when required for the purpose of investigation till submission of Final Form except the day of his half-yearly examination
6. 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.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 4965 of 2023** is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

