

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

22.08.2023
Court No.1
Item.52
(sg/ks)

CRM(A) 651 OF 2023

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Phansidewa Police Station Case No.313 of 2022 dated 27.06.2022 under Sections 147/ 148/ 149/ 323/ 304/506 of the Indian Penal Code.

And

In the matter of: Md. Ainul Haque

.Petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra

For the State.

1. We have considered the relevant material disclosed to us from the Case Diary including the charge-sheet, which refers to a final opinion on the cause of death stating that the death was due to the diseased condition of the heart and lungs “a natural cause”. Admittedly, the charge-sheet is of 3rd July, 2023 and was not placed before the Co-ordinate Bench on 14th July, 2023. The Co-ordinate Bench and another Bench before that had rejected the petitioner’s prayer for anticipatory bail. The petitioner had thereafter withdrawn the application from a third Co-ordinate Bench on 7th August, 2023.

2. Considering the fact that the final opinion does not link the alleged assault on the petitioner with the death, we are inclined to allow the anticipatory bail as custodial interrogation is not required.
3. We accordingly direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and make himself available for questioning to the Investigating Officer once in a fortnight until further orders. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.
4. The application for anticipatory bail being CRM(A) 651 OF 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)