

October 10, 2023.

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**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM(A) 862 of 2023

In re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 22.9.2023 in connection with Malbazar Police Station Case No. 454 of 2023 dated 12.06.2023 under Sections 328 of the IPC.

In the matter of: Abhijit Biswas & Anr.

.... Petitioners.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar

... for the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State.

Heard learned Advocates appearing for the parties.

This is an application for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the incident is totally accidental and not intentional or deliberate and there is no malice on the part of the petitioners in the incident of leakage of gas cylinder.

Learned Advocate appearing for the State opposes the prayer for pre-arrest bail of the present petitioners.

Perused the case diary and other materials on record.

Considering facts and circumstances of the case as appears from record and submission of the parties, we are of the view that custodial interrogation of the petitioners is not required.

In the event of arrest, the petitioners may find bail upon furnishing a bond of Rs.10,000(Rupees Ten Thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the CJM, Jalpaiguri subject to the condition that the petitioners shall meet the Investigating Officer once in a month until further order of this court. The petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Partha Sarathi Chatterjee, J.)

(Md. Nizamuddin, J.)