

**19.02.2024**  
DL.54  
Court No.29  
(AD)  
(Allowed)

**C.R.M. (A) 492 of 2024**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No.**416 of 2023** dated **19.05.2023** under Sections **308/506/509/120(B)** of the Indian Penal Code, 1860. (G.R. Case No.1697 of 2023).

And

In the matter of: **Dr. Kanchan Kumar Dhara & Ors.**

....petitioners.

Mr. Shibaji Kumar Das  
Ms. Bushra Feroz

...for the petitioners.

Ms. Z.N. Khan  
Mr. S. Kundu

... for the State.

Petitioners before us are doctors by profession.

Apparently, they were involved in treating the de facto complainant.

Apparently, they took judgment calls on the treatment which may ultimately transpire to be incorrect.

As to whether, they intended any physical harm to the de facto complainant or not may be decided at the trial.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.1 and 3 will report before the Investigating Officer once a month till the conclusion of the investigation and petitioner

no.2 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

**C.R.M. (A) 492 of 2024** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**