

29.02.2024
27
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 722 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hemtabad** Police Station Case No. **291 of 2023** dated **17.12.2023** under Section **341/323/325/307/354/34** of the Indian Penal Code adding Section 304 of the Indian Penal Code.

And

In Re : **Ramani Barman @ Ramani Chandra Barman & Anr.**

..... petitioners

Mr. Navanil De
Mr. S. Mazumder

...for the petitioners

Mr. Jaydeep Biswas

...for the State

Mr. J. I. Hossain

..for the defacto-complainant

Leave granted to the learned advocate on record for the petitioners to correct the cause title.

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were actually injured in the incident of assault and they lodged a police complaint. The present police complaint was lodged three days after the incident.

State and the defacto-complainant are represented.

Learned advocate for the State draws the attention of the Court to the materials in the case diary.

Learned advocate appearing for the defacto-complainant submits that the petitioners were involved in the incident of assault.

We perused the materials in the case diary.

A person expired.

Post mortem report of such person suggests that the death was by natural causes. No injury was found on the dead body of such dead person as appearing from the post mortem report.

Apparently, police added Section 304 of the Indian Penal Code, 1860 to the police case.

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/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners will report before the Investigating Officer once a fortnight till the conclusion of the investigation. 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)