

04.03.2024
ML-12
Court No.29
(AD)
(Allowed)

C.R.M. (A) 745 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip** Police Station Case No.**714 of 2023** dated **28.11.2023** under Sections **302/34** of the Indian Penal Code, 1860.(S.L. No.708 of 2023).

And

In the matter of: **Kamal Debnath & Anr.**

....petitioners.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee

...for the petitioners.

Mr. Neguive Ahmed, Ld. APP
Mr. Amanul Islam

... for the State.

Post-mortem report of the victim records that the death was ante-mortem in nature. However, the post-mortem doctor did not give opinion as to the cause of death.

The post-mortem report also contains two injuries on the body of the victim. One half inch abrasion on the left thigh and a fracture of the sternum. As noted above, the post-mortem doctor did not opine that the death was homicidal in nature.

Statement recorded under Section 164 of the Code of Criminal Procedure and statements under Section 161 thereof suggest that, there was an assault on the victim by the petitioners. Fists and blows were apparently used. However, the description of the assault and the injuries noted in the body of the victim do not tally.

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 petitioners will report before the Investigating Officer once a week 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) 745 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)