

11.03.2024
Item No.16
Ct. No. 29
CHC
Allowed

C.R.M.(A) 852 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhubulia** Police Station Case No. **12** of **2024** dated **11.01.2024** under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of : Nemai Chandra Das @ Nemai Das
@ Nimaichandra Das & anr.

..... petitioners

Mr. Prabir Majumder,
Mr. Snehansu Majumder
....for the petitioners

Mr. Joydeep Roy, Ld. Jr. Govt. Advocate
Ms. Baisali Basu
....for the State

Petitioners pray for anticipatory bail.

Police complaint was lodged three months after the incident.

Post Mortem Report of the victim suggest that, the victim expired due to electric shock ante mortem in nature.

Statements available in the Case Diary at this stage suggest that, victim died due to electric shock. However, none of the statements suggest that, petitioners actively participated in administering such electric shock to the victim.

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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners will report before the Investigating Officer once in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 852 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)