

09.04.2024

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S.D./A.D.
Allowed

C.R.M. (A) No. 1169 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Khardah Police Station Case No. 89 of 2024 dated 08.02.2024 under Sections 304/323/324/420/354B/120B/34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Barrackpore.

And

In Re : Swagata Chanda & Anr. petitioners

Mr. Sabir Ahmed
Mr. Dhiman Banerjee
Ms. Suman Biswas

.....for the petitioners

Mr. Debasish Roy, Ld. P.P.
Ms. Rajnandini Das

....for the State

1. Petitioners submit the victim died due to natural causes.

Ingredients of offence under Section 304 IPC are not disclosed. Subsequent incident is also false and concocted. They pray for anticipatory bail.

2. Learned Public Prosecutor opposes the prayer for anticipatory bail. He submits petitioners had assaulted the de facto complainant's son. As a result, he suffered from chest pain and died. Subsequently, the petitioners again came to the residence of the de facto complainant and assaulted him and others.

3. We have considered the materials on record. It is alleged in the month of February 2023 the victim had gone to the office of the petitioners and he had been assaulted there. 5-7 days later, he developed chest pain and died. A live link between the assault and cardiac arrest

appears to be removed. Injuries on the de facto complainant in course of the subsequent incident are simple.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.
5. 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 and on condition they shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)