

05.07.2024

Court No.29

Item No. 46

Allowed

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CRM (A) 2168of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No. 49 of 2024 dated 16.02.2024 corresponding to G.R Case No. 496 of 2024 under Sections 302/34 of the Indian Penal Code.

And

In Re: **Nitai Bera**

Petitioner

Mr. Bibaswan Bhattacharya

Mr. S. Nandy

For the Petitioner

Ms. Shreyashee Biswas

Ms. Rajnandini Das

For the State

1. Learned counsel for the petitioner submits that the petitioner used to organize programme for the deceased and has been falsely implicated.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the post-mortem report, the statement of the hotel manager and the brother of the deceased to show that there are incriminating materials suggesting the involvement of the petitioner in the alleged offence.
3. Considering the materials available in the case diary, the statement of the hotel manager and brother of the victim read with post-mortem report, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Nitai Bera** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with

the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a fortnight or as and when called for till the submission of the final report and on further condition that the petitioner shall not leave the jurisdiction of concerned Police Station without the leave of the learned Chief Judicial Magistrate, Purba Medinipur and the petitioner shall appear before the learned Chief Judicial Magistrate, Purba Medinipur, within two weeks from date in connection with G.R Case No. 496 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)