

05.08.2024
Court No.29
Item No. ML-24

Allowed

sg

CRM (A) 2419 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Kotwali Police Station Case No. 0416 of 2024 dated 18.04.2024 under Sections 363/365/34 of the Indian Penal Code.

And

In Re: **Insan Ali Molla**

Petitioner

Mr. Arunava Ganguly

For the Petitioner

Mr. Kunal Ganguly

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
2. The learned Counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.
3. Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure which prima facie exonerates the petitioner, On the earlier occasion, we directed the Investigating Agency to produce post mortem report. It appears from the post mortem report that the cause of death is “deceased condition of pancreas” which prima facie ruled out any foul play. There has been case and counter case between the parties.
4. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure which

prima facie exonerates the petitioner, we are of the view that the custodial interrogation of the present petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest the petitioner namely, **Insan Ali Molla**, shall be released on bail upon furnishing a bond of Rs.3000/-, with one registered surety of like amount, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita with further condition that the petitioner shall meet the I.O. as and when required.
6. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. CRM (A) 2419 of 2024 is, thus, disposed of.
9. The statement of the victim recorded under Section 164 Cr.P.C. is taken on record.
10. 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.)