

03.09.2024
Court No.29
Item No. 27

Allowed
sg

CRM (A) 2516 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 Taldangra Police Station Case No. 46 of 2024 dated 24.04.2024 under Sections 498A/306 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Khatra.

And

In Re: **Pabitra Goswami**

Petitioner

Mr. Arkaprabho Roy

For the Petitioner

Mr. Subhamoy Bhattacharya

Ms. Ayana Dey

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary, postmortem report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary, the postmortem report which suggests that the death was due to poison and the statement of the minor recorded under Section 164 of the Code of Criminal Procedure which does not implicate the petitioner for the commission of alleged offence, we are of the view that custodial interrogation of the present petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioner namely, **Pabitra Goswami**, shall be released on bail upon furnishing a bond of

Rs.5,000/-, with two registered sureties of like amount each, 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. The petitioner shall meet the I.O. once in a fortnight till the submission of final report. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Khatra, within two weeks from date.

5. 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 his bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)