

30.08.2024
Court No.29
Item No. 39

Allowed

SM/MD

CRM (A) 2989 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 Patiram Police Station Case No. 149 of 2024 dated 02.06.2024 under Section 304 of the Indian Penal Code, 1973 (G.R. Case No. 1034/2024) pending before the Court of learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur.

And

In Re: **Shyamal Roy & Anr.**

Petitioners

Mr. Kaushik Choudhury

For the Petitioners

Mr. Prasun Kumar Dutta,
Mr. Ratul Ghosh

For the State

1. The Learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. The petitioners are the office bearers of Back to Life De-Addiction-cum-Rehabilitation Centre. It is submitted that the petitioners were suffering from withdrawal symptoms and intoxication. It is submitted that petitioners are no way responsible for the death.
2. The learned Counsel appearing on behalf the State, in opposing the prayer for anticipatory bail, has produced the Case Diary which contains the post-mortem report.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that the post-mortem report which shows no external or internal injury and death was due to the disease condition of the vital

organs, we, prima facie, do not suspect any foul play and accordingly, we direct that in the event of arrest, the petitioners, namely, **Shyamal Roy and Pradip Kumar Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that the petitioners will report to the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

4. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
5. 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.)