

17.09.2024

Court No.29

Item No. 50

Allowed

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CRM (A) 3324 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta Police Station Case No. 472 of 2024 dated 28.06.2024 corresponding to S.L No. 1366 of 2024 under Sections 326/302 of the Indian Penal Code.

In Re: **Sourav Ghosh**

Petitioner

Mr. Asraf Mondal

Ms. Bani Israil

For the Petitioner

Mr. Partha Pratim Das

Ms. Poulami Bose

For the State

Mr. Atis Kumar Biswas

Mr. Amit Singh

For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner is innocent and he was a pillion driver. He further submits that the victim was driving the motor cycle and he died due to road accident. In the first FIR the petitioner was not named. However, after seven months, an application under Section 156(3) Cr.P.C was filed, on the basis of which a second FIR has been lodged naming him as an accused.
2. Learned counsel for the State has produced the case diary and the post-mortem report and submits that the post-report would show that the victim was drunk at the time of the accident and he suffered head injury.
3. Learned counsel for the victim submits that the petitioner was seen last with the victim and the mobile of the victim has not yet been recovered.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence

and the post-mortem report, which shows that the death was due to head injury, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sourav Ghosh** 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 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and shall not leave Tehatta Police Station without the permission of the I.O till the submission of the final report and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate, Tehatta, Nadia**, within two weeks from date in connection with **S.L No. 1366 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. 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)

