

13.12.2024
06.
SG
[ALLOWED]

C. R. M. (A) 4279 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khanakul Police Station Case No. 230/2024 dated 20.05.2024 under Sections 341/448/323/325/326/354B/504/506/34/302 of the Indian Penal Code (G.R. Case No. 893/24).

And

In Re: **Partha Bag and Ors.**

... ... Petitioners

Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Moyukh Mukherjee,
Mr. Pritam Roy.

... ... for the petitioners

Mr. Saibal Bapuli, Id. A.P.P.
Ms. Mamata Jana

... ... for the State

1. We are informed petitioner no. 17 has expired.
2. In view of the aforesaid, application for anticipatory bail in respect of petitioner no. 17 viz., Asit Diger stands dismissed as infructuous.
3. Petitioners submit there was a skirmish between two groups. Both the parties suffered injuries. Case and counter case were registered. In the course of the incident victim had suffered injuries and was admitted to hospital. After a couple of days he was discharged. Thereafter, on 09.06.2024 he expired. There is no clear causation between the assault and death of the deceased. Accordingly, they pray for anticipatory bail.
4. In view of the aforesaid submission we directed production of case diary of both the cases. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail.

5. We have considered the materials on record including the statements of witnesses in both the case dockets. The statements show there was free fight between two groups. Injury reports show injuries were also suffered by the associates of the petitioners. Deceased had suffered injuries in course of the assault. He was admitted in hospital for 4-5 days and thereafter discharged. After a fortnight he again fell ill and expired. Post mortem report notes intracranial haemorrhage but cause of death is diseased condition of heart and lungs in a case of ante-mortem traumatic head injury. Medical opinion does not attribute the head injuries as the sole causation of death. Roles attributed to the petitioners are generic and there is no specific overt act attributed to them which has a direct nexus to the cause of death. It is also relevant to note associates of the petitioners had suffered extensive injuries. No arrests have been effected in the case registered by the petitioners. On the other hand, petitioners are being pursued by police.

6. Under such circumstances, we are of the opinion petitioners may be granted anticipatory bail.

7. Accordingly, we direct that in the event of arrest, the petitioners viz., **(1) Partha Bag, (2) Madhab Chandra Bag, (3) Haripada Dolui, (4) Suresh Santra, (5) Raju Diger, (6) Prabhas Chandra Dolui, (7) Shital Dolui, (8) Sanjay Dolui, (9) Tapan Bag, (10) Dharabindu Diger, (11) Ajit Diger, (12) Sanat Dolui, (13) Kashinath Dolui, (14) Bishwajit Diger, (15) Amal Santra and (16) Uttam Hazra** be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each,

to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

8. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)