

13.12.2024
09.
SG
[ALLOWED]

C. R. M. (A) 4323 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Raninagar Police Station Case No. 305 of 2024 dated 01.06.2024 under Sections 328/302/201/120B/34 of the Indian Penal Code and Charge Sheet submitted under Sections 328/304A/272/273/201/34 of the Indian Penal Code (G.R. Case No. 2227 of 24).

And

In Re: **Aminul Hoque @ Haque.**

... .. Petitioner

Mr. Soumyajit Das Mahapatra,
Mr. G.N. Imrohi,
Mr. M. Sinha.

... .. for the petitioner

Ms. Minoti Gomes,
Mr. Dipankar Pramanick.

... .. for the State

1. Petitioner submits allegation that the victim boy died due to consumption of deleterious substance mixed in his drink supplied by the petitioner is false. He has been falsely implicated out of suspicion. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. Statement of the father of the victim boy shows petitioner had offered a fruit drink to the boy from his shop. Thereafter, the boy fell sick and died. Post mortem report shows presence of chocolate coloured fluid and submucosal haemorrhage in the stomach which indicates ingestion of deleterious substance. Medical report at the hospital also corroborates the fact that the victim had ingested unknown substance. Fruit drink supplied by the

petitioner has not been subjected to forensic analysis. It cannot be said that the deleterious substance ingested by the boy was present in the fruit drink supplied to him.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Aminul Hoque @ Haque** be released on bail upon furnishing a bond of Rs.10,000/-, 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. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)