

14.05.2024
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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 333 of 2024
with
CRAN 1 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 86 of 2024 dated 02.02.2024 under Sections 447/307 of the Indian Penal Code.

And

In Re : Sri Anishan Rai petitioner

Mr. Rajdeep Das

.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Sourav Ganguly

....for the State

In Re : CRAN 1 of 2024

1. Having heard the learned Counsels appearing for the respective parties and after perusing the averment made in the application for restoration, I hold that sufficient cause exists for recalling the order dated 24.04.2024

2. Accordingly, the order dated 24.04.2024 is recalled and the matter is restored to its original file and number.

3. The application for restoration being CRAN 1 of 2024 is, thus, allowed.

In Re : C.R.M. (A) No. 333 of 2024

4. Learned Counsel for the petitioner submits he is a patient of schizophrenia. He was unaware of the consequence of the alleged act. He prays for bail.

5. Learned Counsel for the State opposes the bail prayer.

6. We have considered the materials on record. Injury on the head of the victim is serious. But it is contended that the petitioner was suffering from mental illness and was not aware of the consequences of his act. Medical papers regarding treatment of the petitioner has been annexed to the petition. In view of the aforesaid circumstances we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

7. Accordingly, we direct that in the event of arrest the petitioner shall 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

8. The application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

