

05.12.2024
SI No.36
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 971 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **28.11.2024** in connection with **Bhaktinagar** P.S. Case No.**965/2024** dated **16.10.2024** under Sections **103(1)/61(2)** of B.N.S., 2023.

And

In the matter of: **Shibu Das**

... Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das,

... for the petitioner

Mr. Sourav Ganguly,
Mr. Subhasis Mishra

... for the State

The petitioner prays for anticipatory bail on the ground that the death of the victim was accidental. The victim and his friends, including the petitioner, were playing cards on the roof top of the house of one of the accused persons. When they heard the police was coming to hold a raid, they all jumped in order to flee. The victim sustained serious injury. The petitioner too had sustained some injury and he was also admitted to the hospital. The petitioner took the victim to Siliguri Sub-Divisional hospital for their treatment.

Investigating officer is present with the case diary.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits that the investigation is at its initial stage. The case diary is produced before this Court.

We have perused the statements of witnesses recorded under Section 183 of B.N.S.S. as well as the post mortem report. The statements of witnesses, *prima facie*, indicate that the victim along with his associates, including the petitioner, were playing cards. A young person raised an alarm that the police was coming. The victim as also the accused persons jumped off the roof. On account of the impact, the victim suffered fatal head and spine injuries.

Considering the statements of witnesses, we are inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of equal amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S. The petitioner shall meet the investigating officer twice a week till the completion of the investigation. The petitioner shall not enter into the jurisdiction of the Bhaktinagar police station except for the purpose of meeting the investigating officer. The petitioner will furnish his present address to the local police

station where he will be henceforth residing. The petitioner will not tamper with evidence and shall not intimidate witnesses.

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

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)