

17.04.2025
Court No.28
Item No.50
ssi

CRM (A) 1245 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Hirapur P.S.** Case No.**56 of 2025** dated **26.02.2025** under Sections **105/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Bijay Prasad @ Bijay Prasad Verma**

....Applicant/Petitioner.

Mr. Avik Ghatak
Mr. Akash Ghosh

...for the petitioner.

Mr. Iqbal Kabir
Mr. Atanu Ghosh

...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The victim was about 70 years old. It was alleged that on 21.01.2025, the accused had altercation with him causing him to fall from his chair and sustain injuries, which ultimately resulting in his death. On the fateful night, the victim was actually asked to go away. An altercation ensued. Accidentally, the victim fell down and suffered certain injuries. However, those injuries could not have been sufficient to cause death. On two occasions thereafter the victim was admitted to hospital and came back after treatment. After a few days of coming back from the hospital on the second occasion, he passed away. The death was caused due to diseased condition of the heart. This Court granted anticipatory bail to similarly circumstanced accused on 07.04.2025 in CRM (A) 1083 of 2025.

Learned counsel for the State relies on the case diary and submits that the statements of the relatives support the prosecution

case. In fact, the victim was a physically challenged person. However, the post mortem report indicates that death was caused due to diseased condition of the heart.

In view of the materials available in the case diary, the gap between the alleged assault and the death, the contents of the post mortem report and the fact that a similarly circumstanced co-accused has been granted anticipatory bail, I am inclined to grant anticipatory bail to the present petitioner.

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, one of whom must be local, 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 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall meet the Investigating Officer of the case once a fortnight till the submission of a report in final form and the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses.

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

(Jay Sengupta, J.)