

25/04/2025

D/L 37
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1318 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Bhimpur police station case no. 401 of 2023 dated 23.10.2023 under Sections 341/323/308/325/304/34 of the IPC.

In the matter of: Panchanan Halder & Ors.

... Petitioners

Mr. Kallol Mondal
Mr. Sourav Mukherjee
Mr. Souvik Das

...for the petitioners.

Mr. Arijit Ganguly
Ms. P. Saha

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits as follows. The son of the de-facto complainant and the son of the victim deceased had earlier sexually assaulted the petitioner's daughter. Subsequently, an altercation took place with the villagers who beat up the victim deceased. However, the petitioner did not die for such alleged assault. On the next day, he passed away due to cardiac failure. A complaint was lodged on the next day by changing the date of alleged assault to date of death.
2. Learned counsel appearing on behalf of the State relies on the case diary including the statements of the eye-witnesses and post-mortem report. The post-mortem report shows that the death occurred due to myocardial

infraction. Moreover, there is no other injury that was found during the examination. Charge-sheet has been submitted.

3. Considering the nature of allegations and the contents of the post-mortem report, I am inclined to grant anticipatory bail to the present petitioners, although by restricting their movement for a limited period.
4. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further conditions that the petitioners shall cooperate with the investigation, the petitioners shall not threaten or intimidate witnesses. The petitioners shall stay outside the jurisdiction of Bhimpur Police Station for a period of six months from date, except for attending the jurisdictional Court or meeting the Investigating Officer both for the instant case as well as the case started for alleged assault of daughter.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)