

09/03/2026
D/L – 43
Court No.28
S. Kundu
Allowed

C.R.M.(A) 438 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Belda P.S case no. 435 of 2025 dated 02/11/2025 under sections 271/125(a)/125(b)/106(1)/3(5) of the BNS added section 105 of the BNS.

In the matter of: Arpita Sau & Anr.

...Petitioners.

Mr. Tapan Dutta Gupta
Mr. Parvej Anam
Ms. Rituparna Ghosh
Mr. Sourav Sardar

...for the petitioners.

Mr. Arijit Ganguly
Ms. Pallavi Priyandarshee

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits that they are the owners of the hospital in question. Although the allegation is about death due to negligence of a doctor, there is no material to substantiate the same.
2. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the medical report and the statements of witnesses. However, he submits that there is no opinion of any doctor available to show that the death was due to negligence of a doctor.
3. It does not appear that there is compliance of ratio laid down by the Hon'ble Supreme Court in ***Jacob Mathew versus State of Punjab & Anr. reported in (2005) 6 SCC 1.***

4. Moreover, the petitioners are only the owners of the hospital in question.
5. Considering the above and the other materials available in the case diary, I am inclined to grant anticipatory bail to the petitioners.
6. 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 and shall not threaten or intimidate the witnesses. The petitioner no. 2 shall meet the Investigating Officer once a fortnight till submission of report in final form.
7. Accordingly, the application for anticipatory bail is allowed.
8. The investigating of the case be further conducted under the supervision of concerned Superintendent of Police.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)