

Criminal Misc. Case No. 1498 of 2022

Order No.02

21.10.2022

This is an application under Section 439 of Cr. P.C, praying for bail, filed on behalf of the accused/ petitioner namely; **Arajit Pandey** in connection with Purulia (T) P.S Case No. 165 of 2022 dated 06.10.2022 under Sections 302/34 of I.P.C, vide G.R. Case No. 2136 of 2022.

Perused the L.C.R. as well as the C.D.

Heard both sides. Considered.

Ld. Advocate for the present accused petitioner prayed for bail u/s 439 of Cr. P.C. for the present accused petitioner stating inter alia that the accused petitioner is in custody since 07.10.2022 and that the present accused persons is not an FIR named accused and during investigation the IO made a prayer before the Ld. CJM, Purulia for adding section 279/304 IPC and it is a case of road traffic accident and the victim died due to road traffic accident.

Ld. Advocate for the present accused petitioners submitted that no bail application has been filed/ pending before the Hon'ble High court, Calcutta and no bail application has been rejected by the Hon'ble High court, Calcutta.

Ld. P.P. has submitted that initially the case was started u/s 302 of IPC and during investigation the IO made a prayer for adding section 279/304 IPC and it is a case of road traffic accident and the victim died due to road traffic accident though the said prayer was rejected by the Ld. CJM, Purulia and during investigation IO seized the offending motorcycle as per the seizure list and during investigation the statement of one eye witness was recorded u/s 164 Cr. P.C and the Ld. PP has prayed for necessary order.

On perusal of the materials on record and the C.D. it appears that the alleged offence is u/s 302 of IPC and in the written FIR the wife of the victim made the allegation against this accused and alleged that on the date of incident this accused called the victim from his house and subsequently the victim was admitted at the hospital by unknown person.

It also appears from the materials on the CD that during investigation the IO made a prayer for adding section 279/304 IPC stating that it is a case of road traffic accident and the victim died due to road traffic accident and said prayer was rejected by the Ld. CJM, Purulia and during investigation IO seized the offending motorcycle as per the seizure list and during investigation the statement of one eye witness, who was allegedly the pillion rider of the said motorcycle, was recorded u/s 164 Cr. P.C. Perused the same also.

Considering the materials with the L.C.R. as well as C.D. including the statement of the witness recorded u/s 164 of Cr. P.C. and also considering the period of detention of the present accused in custody, the instant prayer for bail u/s 439 of Cr. PC for the present accused is hereby allowed and the said accused person may find bail of Rs.5000/- with two registered sureties of Rs. 2500/- each to the satisfaction of the Ld. C.J.M, Purulia.

The Criminal Misc. Case is, thus disposed of. Return the C.D.

Let a copy of this Order along with the L.C.R. be sent to the Learned C.J.M, Purulia, for information.

(Dictated & Corrected)

Vacation Judge, Purulia

Vacation Judge, Purulia.