

06.06.2023

Sl. 6

Court No. 12

Sourav/

Suvayan

(Allowed)

C.R.M. (A) 2120 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Uluberia** Police Station Case No. **105** of **2023** dated **16.03.2023** under Sections **341/324/325/326/307/506/34** of the Indian Penal Code, 1860.

And

In the matter of: **Mijanur Mondal @ Mijanoor Mondal & Anr.**
....petitioners.

Mr. Biswajit Hazra
Mr. Sahinur Rahaman
Mr. Archisman Sain

...for the petitioners.

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

...for the State.

Mr. Shraman Sarkar

...for the de facto complainant.

1. Heard Mr. Biswajit Hazra, learned Counsel for the petitioners, Mr. Tanmoy Kr. Ghosh, learned Counsel for the State and Mr. Shraman Sarkar, learned Counsel for the *de facto* complainant.
2. This petition for anticipatory bail being CRM (A) 2120 of 2023 arises out of Uluberia Police Station Case No. 105 of 2023 dated 16.03.2023 under Sections 341/324/325/326/307/506/34 IPC.
3. Considered the materials placed by learned Counsel for the parties including the statement of the witnesses and the injury report produced by learned Counsel for the State.
4. The victim has suffered a fracture injury on his right forearm alleged to have been caused by assault with an iron rod by the present petitioners. Learned Counsel for the informant submits that the victim has suffered a cut injury on his left

hand but the injury report is silent about that. *Prima facie* though an offence under Section 326 IPC is made out against the petitioners by aid of Section 34 IPC no offence under Section 307 IPC is made out. The investigation is stated to have progressed substantially.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of injury sustained by the victim the situs of the injury and substantial progress in the investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that (i) each of the petitioners is directed to appear before the I.O., Uluberia P.S. once in a fortnight on the day and time fixed by the I.O. till the submission of F.F; (ii) they shall not threaten, induce or coerce any of the witness of the case including the injured in any manner whatsoever during the currency of the case.
6. Within 21 days of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O along with a copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2120 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

