

16.06.2023

Sl. 126
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2174 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **A.J.C. Bose B. Garden** Police Station Case No. **189 of 2022** dated **15.10.2022** under Sections **341/325/326/354/307/34** of the IPC vide G.R. Case No. **5822 of 2022**.

And

In the matter of: **Shib Dutta @ Shib Dutta Kumar Varma**

....petitioner.

Mr. Soumya Basu Roy Chowdhuri

...for the petitioner.

Mr. Saibal Bapuli, APP

Mr. soumik Ganguli

...for the State.

1. Heard learned Counsel for both the parties.
2. On consideration of the injury report in respect of both the injured persons, we are of view that the offence is at best one under Section 326 IPC and not Section 307 IPC. Charge-sheet is stated to have been filed.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, completion of investigation and absence of record of past criminal antecedent against the petitioner as submitted at the Bar, it is directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Howrah within 15 days from today in connection with G.R. Case No. 5822 of 2022 arising out A.J.C. Bose B. Garden P.S. case No. 189 of 2022 dated 15.10.2022. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
4. The view expressed by us is tentative by which learned Trial

Court should not be influenced.

5. The learned Chief Judicial Magistrate is directed to act on the server copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2174 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

