

13.06.2023

Sl. 93

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2220 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dhubulia** Police Station Case No. **221** of **2023** dated **13.05.2023** under Sections **448/376/325/307/34** of the IPC, 1860.

And

In the matter of: **Mahadeb Ghosh & Ors.**

....petitioners.

Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners.

Mr. Shiladitya Banerjee

...for the State.

1. Heard learned Counsel for both the parties.
2. From the materials in record placed before us it is found that both the parties belong to the same locality. There was a free fight between the parties and in course of such tussle, petitioner No. 1 is alleged to have put his hand in the private part of the informant.
3. Such allegation in the complaint petition does not find support in the statement of the victim recorded under Section 164 Cr.P.C. as well as under Section 161 Cr.P.C. The investigation is stated to have progressed substantially.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, their status in the society 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 his arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with Dhubulia P.S. case No. 221 of 2023 dated 13.05.2023 including the

condition that the petitioners appear before the I.O. for the purpose of investigation as and when required.

5. Within 3 weeks of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O. alongwith a copy of such order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2220 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

