

15.06.2023

Sl. 107

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2234 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with G.R. Case No. **6135** of **2022** arising out of **Kaliachak** Police Station Case No. **1110** of **2022** dated **29.09.2022** under Sections **448/323/308/406/420/506/34** IPC.

And

In the matter of: **Md. Jahangir Hossain @ Bhatu @ Bhutttu & Anr.**

....petitioners.

Mr. Sagar Saha
Ms. Roma Roy
Mr. Noor Nabi Sk.

...for the petitioners.

Mr. Binay Panda
Mr. Subham Bhakat

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by the learned Counsel for the parties including the injury report and statements of the witnesses recorded under Section 161 Cr.P.C.
3. The dispute involves the ancestral joint property of the parties. One of the brothers is the informant and the present petitioners are remaining two brothers. The injury report is not supportive of any offence under Section 308 IPC. There is also no material to prima facie constitute offence under Section 420/406 IPC.
4. Our view is, however, purely tentative in nature and the trial Court is advised not to be influenced by our observation made on the basis of police papers.
5. Regard being had to such facts and submissions, factum of

permanent residence of the petitioners and substantial progress in the investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with Kaliachak Police Station Case No. 1110 of 2022 dated 29.09.2022, corresponding to G.R. Case No. 6135 of 2022.

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) 2234 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

