

19.06.2023
Sl. 154
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2266 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **602** of **2022** dated **07.10.2022** under Sections **325/326/427/307/302/34** IPC.

And

In the matter of: **Sultan Sk. & Anr.**

....petitioners.

Mr. Niladri Sekhar Ghosh
Mr. Pradip Kumar Kundu
Mr. Sourav Mondal

...for the petitioners.

Mr. Tapodip Gupta

...for the de facto complainant.

Ms. Zareen N. Khan
Mr. Arup Sarkar

... for the State.

1. Heard learned Counsel for the parties.
2. The occurrence is stated to have happened in course of execution of a Court order at the instance of present petitioner no. 1 (Sultak Sk.). So far as allegation of overt act is concerned, there is allegation against one Ibrahim who is alleged to have assaulted the deceased by a crowbar (shabal), there is allegation against two accused persons, namely, Saheb and Minarul who are alleged to have assaulted the deceased by brickbat, there is also allegation against one Arfin, Gopal and Raju without ascribing any specific overt act to them.
3. So far as present petitioners are concerned, there is no allegation of specific overt act against them. On the contrary, they are stated to have gone to the spot for execution of order of a Court to which the rival party raised objection and the

transaction took place.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners and filing of charge-sheet in the meantime, it is directed that each of the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad, in G.R. case arising out of Beldanga Police Station Case No. 602 of 2022 dated 07.10.2022 within 15 days from today. On their appearance and application for bail each of them shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioners shall not threaten, induce or coerce any of the witness in any manner whatsoever during the currency of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2266 of 2023** is disposed of.
7. learned Chief Judicial Magistrate, Berhampore, Murshidabad, is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

