

05.07.2023

Sl. 12

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2350 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kolaghat** Police Station Case No. **0007** dated **02.01.2023** under Sections **307/323/324/325/341/34** IPC, corresponding to G.R. Case No. **23** of **2023** pending before learned CJM, Purba Medinipur at Tamruk.

And

In the matter of: **Nirmalya Das @ Argha Das & Anr.**

....petitioners.

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh

...for the petitioners.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

...for the State.

1. Heard learned Counsel for the parties.
2. Charge-sheet is stated to have been filed in the meantime.
3. Learned Counsel for the petitioners does not want to press this application for anticipatory bail so far as petitioner no. 1 (**Nirmalya Das @ Argha Das**) is concerned on the ground that he has already been arrested. Accordingly, this application for anticipatory bail is dismissed as 'not pressed' in respect of petitioner no. 1 (**Nirmalya Das @ Argha Das**). Accordingly, the present application for anticipatory bail is confined to petitioner no. 2 (**Subir Das @ Subir Kumar Das**).
4. Perused the injury report and the statement of the medical officer recorded under Section 161 Cr.P.C. The aforesaid material makes out a *prima facie* case under Section 326 IPC.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner no. 2, completion of investigation and especially, the fact that the petitioner no. 2

Subir Das @ Subir Kumar Das's wife had extramarital relationship with the victim and they both were seen together going in a motorcycle giving rise to the present incident, we feel persuaded to direct the petitioner no. 2 (**Subir Das @ Subir Kumar Das**) to appear before the learned Chief Judicial Magistrate, Purba Medinipur at Tamluk in G.R. Case No. 23 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2350 of 2023** is disposed of.
8. Learned Chief Judicial Magistrate, Purba Medinipur at Tamluk is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

