

13.07.2023
ML. 13
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2402 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **261** of **2023** dated **23.03.2023** under Sections **435/436** IPC.

And

In the matter of: **Sagar Halder & Anr.**

....petitioners.

Mr. Snehansu Majumder

...for the petitioners.

Mr. Navanil De

...for the State.

1. Heard learned Counsel for the parties.
2. Though in the FIR dwelling house and cowshed belonging to the informant is alleged to have been burnt, most of the witnesses in their statement recorded under Section 161 Cr.P.C. are found to have stated that the petitioners set the cowshed ablaze. From the materials on record, a *prima facie* offence under Section 435 IPC is made out.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
4. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.

6. The application being **CRM (A) 2402 of 2023** is disposed of.
7. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

