

18.07.2023
(M/L 123)
Ct. No.29
Allowed
(SKB)

CRM (A) 2519 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.311 of 2023 arising out of Karandighi P.S. Case No.78 of 2023 dated 09.02.2023 under Sections 448/341/323/325/307/313/511/506/34 of the Indian Penal Code.

In the matter of : Mukesh Saha and another
... Petitioners

Mr. Jayanta Narayan Chatterjee,
Mrs. Moumita Pandit,
Ms. Jayashree Patra,
Ms. Ritushree Banerjee,
Ms. Sreeparna Ghosh,
Ms. Pritha Sinha,
Mr. Bhaskar Mondal

... for the petitioners

Mr. Binay Panda,
Ms. Puspita Saha

... for the State

1. Heard the learned Counsel for the parties.
2. The case is stated to have arisen out of dispute between two neighbours. Petitioner nos.1 and 2 are husband and wife respectively.
3. The petitioners are implicated under Sections 307, 313, 511 IPC on the basis of allegation that the victim gave a premature birth of a child on account of assault by the present petitioners. From the case diary, we do not find any substantive material to corroborate such allegation.

4. In view of such fact, we do not find prima facie any ingredients to constitute offence under Sections 307, 313, 511 IPC. The investigation is stated to have progressed substantially.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of evidence and substantial progress in investigation, 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.
6. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM(A) 2519 of 2023 is disposed of.
9. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)