

20.07.2023

SL. 39

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2608 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jiaganj** P.S. Case No. **63 of 2023** dated **09.03.2023** under Sections **341/325/326/307/506/34** of the IPC corresponding to G.R. Case No. **734 of 2023** pending before the learned ACJM, Lalbagh, Murshidabad.

And

In the matter of: **Dipchand Mondal Halder @ Dipchand Halder & ors.**

....petitioners.

Mr. Md. Abdur Rakib

Mr. Biswajit Sarkar

...for the petitioners.

Mr. P. K. Datta, APP

Mr. Santanu Deb Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. It is submitted that one Raju Sarnakar @ Raj Kumar Swarnakar is the principal accused so far as assault on the victim is concerned. The occurrence is stated to have happened during Holi as fight ensued between two groups. Four out of seven accused persons are stated to have been released on bail (two on anticipatory bail and two on regular bail). Considered the materials placed by learned Counsel for the parties including the statement of the witnesses recorded under Sections 161 Cr.P.C. So far as the fracture of the victim on his left ulna is concerned that is attributed to Raju Sarnakar @ Raj Kumar Swarnakar. Charge-sheet is stated to have been filed in the meantime.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed (Supra) and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad within 15 days from today in G.R. Case No. 734 of

2023 arising out of aforesaid P.S. case. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. The learned ACJM is directed to act upon the server copy of this order, if required.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2608 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

