

08.08.2023

SL. 6

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2659 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **491** of **2023** dated **09.05.2023** under Sections **447/323/325/308/354B/379/427/506/34** IPC.

And

In the matter of: **Hasibul Nayek & Anr.**

....petitioners.

Mr. Suprio Chattapadhya
Mr. Kaushik Choudhury
Mr. Sabyasachi Hazra
Mr. Samaresh Chandra Dhara

...for the petitioners.

Mr. Joydeep Roy
Ms. Sujata Das

...for the State.

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that none had sustained injury in the transaction. In view of such fact, offence under Section 308 IPC is not made out at least *prima facie*. There is nothing material on record to substantiate offence under Section 354B I.P.C. also.
3. Investigation is stated to have progressed substantially.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. 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.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2659 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

