

12.07.2023
(D/L 32)
Ct. No.29
Allowed
(SKB)

CRM (A) 2795 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Minakhan P.S. Case No.245 dated 27.06.2023 under Section 341/325/326/307/379/506 and 34 of the Indian Penal Code.

In the matter of : Eslam Molla and others

... Petitioners

Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar,
Mr. Prasad Bhattacharyya

... for the petitioners

Mr. Saibal Bapuli, APP,
Mr. Samik Ganguli

... for the State

1. Heard the learned Counsel for the parties.
2. Learned counsel for the petitioners does not want to press this application in respect of petitioner no.2 Asraful Laskar on the ground that he has already been arrested in the meantime.
3. In view of such submission, the present application for anticipatory bail is dismissed as not pressed in respect of petitioner no.2 Asraful Laskar. So far as the other petitioners are concerned, there is omnibus allegation of the victim against all the petitioners and co-accused persons who have assaulted him with iron rod etc. There is specific allegation as against one Anerual Hamid Molla to the effect that he assaulted on the back of his head with the butt of a pistol causing injury. The injury though

on a vital part of the body, is not found to be grievous from the injury report shown to us.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner nos.1 and 3 being Eslam Molla and Saifuddin Molla respectively and substantial progress in the investigation, it is directed that each of the petitioners namely petitioner no.1 Eslam Molla and petitioner no.3 Saifuddin Molla shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid police station case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that petitioner nos.1 and 3 shall appear before the I.O. once in a fortnight on the day and time fixed by the I.O. till submission of final form.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 2795 of 2023 is disposed of.
7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)