

08.08.2023
(D/L 27)
Ct. No.29
Allowed
(SKB)

CRM (A) 2869 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Amta P.S. Case No.308 of 2022 dated 17.09.2022 under Sections 341/325/307/354B/379/34/506 of the Indian Penal Code.

In the matter of : Sabir Khan and another
... petitioners

Mr. Omar Faruk Gazi,
Mr. Imtiaz Akhtar,
Ms. Bidisha Das
... for the petitioners

Md. Anwar Hossain,
Ms. Sreyashee Biswas
... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed before us including the statements of the injured persons recorded under Section 161 Cr.P.C. and the injury report in respect of them. The injuries sustained by the victim do not attract offence under Section 307 IPC at least *prima facie*. So far as offence under Section 354B, there is allegation of pulling of 'sharee' of the victim in course of scuffle.
3. Regard being had to such facts and submissions, 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 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 including the conditions:

- i) The petitioners are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
4. Accordingly, the prayer for the anticipatory bail is allowed.
 5. 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.
 6. The application being CRM(A) 2869 of 2023 is disposed of.
 7. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)