

09.08.2023
ML. 161
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2942 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **157** of **2023** dated **28.05.2023** under Sections **447/325/326/307/506/34** IPC.

And

In the matter of: **Subal Mandal & Ors.**

....petitioners.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. P.K. Datta, Ld. APP
Mr. Santanu Deb Roy

...for the State.

1. Heard learned Counsel for the parties.
2. In the transaction in clash between two groups in jute field two persons have sustained injury. Prakash Mondal has sustained deep cut injury on his right hand and Shyamal Mondal has suffered fracture of elbow joint and cut injury on left leg. The situs of the injuries as described (supra) are not the vital parts of the body and as such, do not attract the offence under Section 307 IPC at least *prima facie*.
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, nature of injury as discussed (supra) 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 including the conditions that:

- i) the petitioners are directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
 - ii) the petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
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) 2942 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.)

