

18.08.2023

SL. 7

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2962 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raninagar** Police Station Case No. **357 of 2023** dated **09.07.2023** under Sections **302/34** of the IPC.

And

In the matter of: **Jahangir Fakir**

....petitioner.

Mr. Ashok Das
Mr. Surya Maity
Ms. Jonaki Saha

...for the petitioner.

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

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the statement of the witnesses recorded under Section 161 Cr.P.C. From such material it is found that there is no allegation of specific overt act against the present petitioner so far as assault on the deceased is concerned, further there is material to show that the present petitioner was not present at the spot. The occurrence happened in course of fight between two political groups and the investigation is stated to have progressed substantially.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence against the present petitioner and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his 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 condition that:

- i) The petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
- 4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
- 5. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
- 6. Accordingly, the prayer for the anticipatory bail is allowed.
- 7. The application being **CRM (A) 2962 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

