

10.08.2023
(M/L 188)
Ct. No.29
Allowed
(SKB)

CRM (A) 2973 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.303 of 2022 dated 12.03.2022 under Sections 447/326/307/354/34 of the Indian Penal Code.

In the matter of : Rofik Sk. @ Israile Sk.

... Petitioner

Ms. Minoti Gomes,
Ms. Chandrima Debnath

... for the petitioner

Ms. Faria Hossain,
Ms. Baisali Basu,
Ms. Mamata Jana

... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner and the victim are stated to be the neighbours. The petitioner was taking a tractor on the land of the victim despite his objection causing damage to the growing crops. Over the issue, there was fight between them and the victim is alleged to have been assaulted by 'lathi', iron rod etc. Though the injury caused to the victim is serious to some extent, it is not grievous.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of injury as discussed supra and completion of investigation, it is directed that the

petitioner shall surrender before the learned CJM, Berhampore, Murshidabad in the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioner shall appear before the trial court on the date of substantive hearing subject to provision of Section 317 Cr.P.C. The petitioner shall not go on the land of the victim on any pretext during the currency of this order.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being CRM(A) 2973 of 2023 is disposed of.
6. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)