

21.08.2023
(M/L 242)
Ct. No.29
Allowed
(SKB)

CRM (A) 3040 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bamangola P.S. Case No.87/2023 dated 03.06.2023 under Sections 448/325/354/308/34 of the Indian Penal Code (G.R. Case No.3517 of 2023).

In the matter of : Shankar Raha @ Sankar and others
... petitioners

Mr. Kalidas Saha
... for the petitioners

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata
... for the State

1. Heard the learned Counsel for the parties.
2. From the injury report placed before us, we find that the victim has sustained two cut injuries in parietal and occipital region of his head, though there is no bony injury. As such, the offence under Section 308 IPC is not attracted at least *prima facie*.
3. Regard being had to such facts and submissions, 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 by the Arresting Officer in the event of their arrest in the G.R. Case No.3517 of 2023 arising out of 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 petitioner no.1 is 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 petitioner nos.2 to 4 being ladies are directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
 - iii) 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) 3040 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.)