

21.08.2023
(M/L 272)
Ct. No.29
Allowed
(SKB)

CRM (A) 3073 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Shaktipur P.S. Case No.128 of 2023 dated 11.06.2023 under Sections 341/325/307/34 of the Indian Penal Code.

In the matter of : Aien Mallick
@ Aianbox Mallick and others
... petitioners

Ms. Minoti Gomes,
Ms. Chandrima Debnath
... for the petitioners

Mr. Iqbal Kabir
... for the State

1. Heard the learned Counsel for the parties.
2. Two victims are alleged to have suffered injury. In respect of one of the injured person, the medical opinion is to the effect that the injury is grievous but we do not find any bony injury on the person of the said victim. As such, the offence under Section 307 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 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) 3073 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.)