

23.08.2023
ML. 353
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3158 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Harishchandrapur** P.S. Case No. **851 of 2021** dated **18.11.2021** under Sections **341/326/307/34** of the IPC corresponding to G.R. Case No. **2760 of 2021** pending before the learned ACJM, Chanchal, Malda.

And

In the matter of: **Amirul Islam @ Sanaulla Mohoril & Ors.**

....petitioners.

Mr. Tapan Datta Gupta
Mr. Parvej Anam

...for the petitioners.

Mr. Binay Panda
Mr. Subham Bhakat

...for the State.

1. Heard learned Counsel for both the parties.
2. Charge-sheet is stated to have been filed.
3. It is fairly submitted at the Bar that three fingers of the victim has been amputated and the case falls clearly within the ambit of Section 326 IPC. From the statement of the injured victim it is found that about 23 persons in a group assaulted him and one of them gave a blow by 'hansua'. The charge being with aid of Section 34 IPC, question of joint liability arise in the case. This being a question of act is best left to the wisdom of the Trial Court.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within 15 days from today in the G.R. case No. 2760 of 2021 arising out of aforesaid P.S. case

including the condition that:

- i) The petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.
5. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. The learned ACJM is directed to act upon the server copy of this order, if required.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3158 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

