

23.08.2023
ML. 359
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3165 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **1074** of **2022** dated **22.08.2022** under Sections **341/324/326/307/34** IPC (corresponding to G.R. Case No. **2204** of **2022**).

And

In the matter of: **Rabindra Das @ Rabindr Das @ Rabi Das**
....petitioner.

Mr. Kaushik Choudhury
Ms. Busra Khatun

...for the petitioner.

Mr. Prasun Kumar Datta, Ld. APP
Mr. Nirupam Dhali

... for the State.

1. Heard learned Counsel for the parties.
2. From the statement of the victim recorded under Section 164 Cr.P.C. and other eyewitnesses recorded under Section 161 Cr.P.C, we find that one Sanjay Das is the principal accused who is alleged to have mounted the assault on the victim with a 'hansua'. So far as the present petitioner is concerned, it is alleged that the present petitioner along with others tied the victim with wooden pillar with a rope following an altercation between Sanjay and the victim. The allegation against the petitioner being one with aid of Section 34 IPC, we think it proper that the question of implication of the present petitioner should be decided at the time of trial.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial

Magistrate, Raiganj, Uttar Dinajpur in G.R. Case No. 2204 of 2022 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail he shall be released on bail 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 learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being **CRM (A) 3165 of 2023** is disposed of.
6. Learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

