

370
ML
23-08-2023
(ct. no.29)
Sayandeep
Allowed

CRM(A) 3176 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **722 of 2023** dated **17.06.2023** under Sections **302/109/120B/34** of the Indian Penal Code.

- A n d -

In the matter of : Md. Arif Ali & ors.

.... Petitioners.

Mr. Sagar Saha

... For the Petitioners.

Mr. Saibal Bapuli
Ms. Sayanti Santra
Ms. A. Bhattacharya

... for the State.

1. Heard learned counsel for the parties.
2. Though there is allegation to the effect that the victim was assaulted by iron rod etc. and succumbed to the injury, the post mortem report is clear to the effect that the victim had neither suffered any external injury nor any internal injury.
3. There is allegation and counter allegation to the effect that the present petitioners have been falsely implicated on the ground of political rivalry during the panchayat election .
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of

allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioners shall be released on bail in the event of his arrest by the Arresting Officer 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 fact that:

- i) The petitioners are directed to appear before the IO one in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
5. The petitioners are directed to appear before the IO within 21 days from today along with the server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 3176 of 2023 is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)