

374
ML
23-08-2023
(ct. no.29)
Sayandeep
Allowed

CRM(A) 3181 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dalkhola Police Station** Case No. **225 of 2022** dated **26.07.2022** under Sections **448/325/307/354/379/34** of the Indian Penal Code.
- A n d -

In the matter of : Noor Alam & Ors.

.... Petitioner.

Mr. M. Nazar Chowdhury
Mr. Marghoob Ahmed Slik
Ms. Priyanka Saha

... For the Petitioner.

Mr. Joydeep Roy
Ms. Sijata Das

... for the State.

1. Heard learned counsel for the parties.
2. The transaction arose out of free fight between members of two families in which several persons have been injured. The injury sustained by the victims as found from the injury reports in the C.D., do not attract offence under Section 307 IPC at least prima facie. The allegation under Section 354 IPC is at the fringe in view of the free fight between two groups.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation 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 once in a fortnight 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. The petitioners are directed to appear before the IO within 21 days from today along with a server copy or certified copy of this order.
 5. Accordingly, the prayer for the anticipatory bail is allowed.
 6. The application being CRM(A) 3181 of 2023 is disposed of.
 7. 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.)