

387
ML
23-08-2023
(ct. no.29)
Sayandeep
Allowed

CRM(A) 3199 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Garhbeta Police Station** Case No. **289 of 2023** dated **20.05.2023** under Sections **341/325/307/379/34** of the Indian Penal Code.

- A n d -

In the matter of : Suman Roy & Ors.

.... Petitioners.

Mr. Jayanta Banerjee

Mr. Sandip Bandyopadhyay

... For the Petitioners.

Mr. Md. Anwar Hossain

Ms. Sreyashee Biswas

... for the State.

1. Heard learned counsel for the parties.
2. The victim is found to have facial injury, swelling, fracture as a result of assault by the present petitioners which in our view does not attract offence under Section 307 IPC at least prima facie.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of injury as discussed supra 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 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. 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) 3199 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.)