

24.08.2023
(M/L 396)
Ct. No.29
Allowed
(SKB)

CRM (A) 3208 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Domkal P.S. Case No.294 of 2023 dated 06.05.2023 under Sections 447/323/325/307/34 of the Indian Penal Code.

In the matter of : Raju Mandal @ Raju Saikh and others
... petitioners

Mr. Tapodip Gupta
... for the petitioners

Mr. Binay Panda,
Mr. Subham Bhakat
... for the State

1. Heard the learned Counsel for the parties.
2. As a result of assault by the present petitioners, the victim is alleged to have suffered fracture of mandible which, though attract offence under Section 326 IPC, is not sufficient to attract offence under Section 307 IPC at least *prima face*. It is submitted that the transaction arose out of property dispute.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed supra and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest 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 conditions:

- 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) Petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

- 4. Accordingly, the prayer for the anticipatory bail is allowed.
- 5. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
- 6. The application being CRM(A) 3208 of 2023 is disposed of.
- 7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)