

24.08.2023
(M/L 410)
Ct. No.29
Allowed
(SKB)

CRM (A) 3226 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Arambagh P.S. Case No.142 of 2023 dated 13.05.2023 under Sections 325/326/379/34 of the Indian Penal Code.

In the matter of : Sk. Faridul and others

... petitioners

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal

... for the petitioners

Mr. Madhusudan Sur, ld. APP
Mr. Arabinda Manna

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed before us including the injury reports of the four victims and the statements of the witnesses recorded under Section 161 Cr.P.C.. Victim Sk. Bhutto has sustained trauma on his left hand and a cut injury on his skull without involving any bony injury. Victim Sk. Ibrahim Ali is opined to have suffered trauma on his hand and injury over skull without involving any bony injury. One Sk. Rhamat is opined to have suffered pain and tenderness on left thigh without any external injury. One Sahanur Ali is opined to have suffered trauma on his back side and left inter scapular region (bruises) without involving any bony injury. From the aforesaid injuries, we are of the considered view that offence under Section 326 IPC is not attracted at least *prima facie*.
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 the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in 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 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. 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) 3226 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.)