

24.08.2023
ML. 419
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3235 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tehatta** Police Station Case No. **248 of 2023** dated **30.03.2023** under Sections **323/325/326/307/506** of the IPC.

And

In the matter of: **Alomgir Sekh @ Alamgir Shaikh**

....petitioner.

Ms. Debjani Roy Choudhuri

...for the petitioner.

Mr. Anowar Hossain

Ms. Ratna Ghosh

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioner is stated to be the owner and the informant is stated to be the labourer engaged by the petitioner. Over the issue of claim of wage by the informant the petitioner is alleged to have assaulted him by a cutter machine causing fracture of distal radius (left) (hand and wrist). The allegation as such *prima facie* attracts offence under Section 326 IPC but not under Section 307 IPC at least *prima facie*.
3. Regard being had to such facts and submissions, 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 petitioner shall be released on bail by the Arresting Officer in the event of his 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 that:
 - i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till

submission of F.F.

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

- 4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
- 5. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
- 6. Accordingly, the prayer for the anticipatory bail is allowed.
- 7. The application being **CRM (A) 3235 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

