

24.08.2023

ML. 431
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3247 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pathar Pratima** Police Station Case No. **261** of **2023** dated **13.07.2023** under Sections **341/325/326/307/354B** IPC.

And

In the matter of: **Mahadeb Mondal & Ors.**

....petitioners.

Mr. Sabir Ahmed
Mr. Gouranga Kumar Das
Mr. Kapil Chandra Sahoo

...for the petitioners.

Mr. Binay Panda
Mr. Subham Bhakat

...for the State.

1. Heard learned Counsel for the parties.
2. There are several victims in course of a free fight between two groups in a village dispute and some of the members of the defence group are alleged to have sustained injury also. From the injury reports in the C.D., we find that all the victims have suffered simple injury only which do not attract offence under Section 326 or 307 IPC at least *prima facie*. So far as offence under Section 354B is concerned, those are at the fringe.
3. Regard being had to the facts and submission, 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 in the event of their 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 conditions that:

- i) the petitioners are 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 petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
 - iii) the petitioners shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O.
4. The petitioners are directed to appear before the I.O. 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) 3247 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.)

