

24.08.2023
ML. 439
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3256 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murshidabad** Police Station Case No. **172** of **2023** dated **07.03.2023** under Sections **325/308** IPC.

And

In the matter of: **Mohamad Sk @ Mohammad Sk & Ors.**

....petitioners.

Mr. Tapodip Gupta

...for the petitioners.

Mr. Avishek Sinha

... for the State.

1. Heard learned Counsel for the parties.
2. So far as the petitioner no. 5 (Abdulla Sk.) is concerned, it is submitted by the learned Counsel for the State that the charge-sheet having not been filed against him, the present application for anticipatory bail in respect of him has become infructuous.
3. From the statement of the witnesses and the injury report in respect of the two of the victims, it is found that both have sustained fracture injury on their hand which do not *prima facie* attract offence under Section 308 IPC.
4. 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 completion of investigation, it is directed that each of the petitioner except petitioner no. 5 shall surrender before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad in G.R. Case arising out of the aforesaid P.S. case within 15 days from

today. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that each of the petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 3256 of 2023** is disposed of.
7. Learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

