

28.08.2023
SL. 8
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3261 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hemtabad** Police Station Case No. **126** dated **15.06.2023** under Sections **447/323/325/307/34** of the IPC.

And

In the matter of: **Mahesh Chouhan @ Chowhan & Ors.**

....petitioners.

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. subhrajit Dey
Ms. Monami Mukherjee

...for the petitioners.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

1. Heard learned Counsel for both the parties.
2. In a property dispute between the parties one of the of victim is alleged to have suffered fracture of his nasal bone. From the statement of the witnesses it is found that petitioner Nos. 1 and 2 are alleged to have assaulted him.
3. From the materials on record, we do not find any *prima facie* offence has been made out under Section 307 IPC though case under Section 326 IPC is made out.
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 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 that:

- i) The petitioner No. 1 (Mahesh Chouhan @

Chowhan) and petitioner No. 2 (Umesh Chouhan @ Chowhan) 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.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today each of 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3261 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

