

CRM(A) 3267 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uluberia Police Station** Case No. **120 of 2023** dated **07.04.2023** under Sections **447/341/427/436/506/34** of the Indian Penal Code.
- A n d -

In the matter of : Bapan Hazra & Ors.

.... Petitioners.

Mr. Kunal Ganguly
Ms. Jenifar Alam Megha

... For the Petitioners.

Mr. Saibal Bapuli
Ms. Sayanti Santra

... for the State.

1. Heard learned counsel for the parties.
2. There is stated to be case and counter case between the parties and civil suit is also pending between them.
3. Though offence under Section 436 IPC is a serious offence, we find that no human injury had been caused and some household articles had been burnt. There is counter submission by learned counsel for the petitioner to the effect that the fire broke out on account of hooking and electricity short-circuit. When there is rival contentions by both the parties though there is eyewitness account of some witnesses, it is better to leave the facts to be decided by the trial Court at the time of trial.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioners 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 fact that:

- 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.
5. The petitioners are directed to appear before the IO within 21 days from today along with a server copy or certified copy of this order.
 6. Accordingly, the prayer for the anticipatory bail is allowed.
 7. The application being CRM(A) 3267 of 2023 is disposed of.
 8. The I.O. is hereby directed to act upon the server copy of this order, if required.
 9. Learned counsel for the petitioner is allowed to make necessary correction in the cause title in Court today.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)