

25.08.2023

ML. 478
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3298 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chopra** Police Station Case No. **513** of **2023** dated **18.06.2023** under Sections **341/326/307/34** IPC and adding Section **34** IPC (corresponding to G. R. Case No. 1807 of 2023).

And

In the matter of: **Samsuddin @ Samsul Haque**

....petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Kaushik Choudhury
Ms. Busra Khatun

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

...for the State.

1. Heard learned Counsel for the parties.
2. From the statement of the eyewitnesses, it is found that one Azahar first assaulted by fist and blows. The injured fell down and thereafter Jullu hit the victim by a wooden bat on his head. At that time, the present petitioner standing at a distance was saying that "Mar Sala ke" (beat him). From the aforesaid fact, it is found that the present petitioner was instigating standing at a distance and his action can be questioned by aid of Section 34 IPC only.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his 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 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.
 - iii) the petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O.
4. The petitioner is 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) 3298 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.)

