

25.08.2023
ML. 482
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3302 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kotwali** Police Station Case No. **575 of 2023** dated **19.06.2023** under Sections **341/325/326/307/34** of the IPC.

And

In the matter of: **Gouranga Dey & Anr.**

....petitioners.

Mr. Sumanta Das

...for the petitioners.

Mr. P. K. Datta, APP

Mr. Nirupam Dhali

...for the State.

1. Heard learned Counsel for both the parties.
2. The sole victim is shown to have suffered a fracture over proximal phalynix of left grate toe, which is not a vital part of the body.
3. Though offence under Section 326 IPC is attracted, we do not find any material to attract offence under Section 307 IPC at least *prima facie*. The dispute arose out of political rivalry on the eve of Panchayat Election, as submitted by learned Counsel for the petitioners.
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 petitioners are directed to appear before the I.O. once in a fortnight 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) 3302 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

