

28.08.2023

ML. 501
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3322 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nandakumar** Police Station Case No. **242** of **2023** dated **05.07.2023** under Sections **341/323/324/325/307/427/380/506/34** IPC.

And

In the matter of: **Sk. Abdul Jabbar @ Sk. Abhul Jabbar & Ors.**
....petitioners.

Mr. Soumik Ganguli
Mr. Ritam Chowdhury
Mr. Sourat Nandy

...for the petitioners.

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick

...for the State.

1. Heard learned Counsel for the parties.
2. Petitioner no. 1, Sk. Abdul Jabbar @ Sk. Abhul Jabbar having already been arrested, the present petition is dismissed as not pressed in respect of him.
3. So far as the other petitioners are concerned, it is submitted by the learned Counsel for the petitioners that in the transaction they had used only filthy language against two victims and there is no allegation of specific overt act against them.
4. From the statement of the witnesses, we find that present petitioner no. 1, Sk. Abdul Jabbar @ Sk. Abhul Jabbar along with one Sk. Sanirul had mounted the assault. From the injury report, it is found that both the victims have sustained simple injury and as such, offence under Section 307 IPC is not attracted at least *prima facie*.
5. Regard being had to the facts and submission, factum of

permanent residence of the petitioner nos. 2 to 4, nature of allegation and substantial progress in investigation, it is directed that petitioner nos. 2 to 4 shall be released on bail in the event of their 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 nos. 2 to 4 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.

6. The petitioner nos. 2 to 4 are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed in respect of petitioner nos. 2 to 4.
8. The application being **CRM (A) 3322 of 2023** is disposed of.
9. 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.)

