

28.08.2023
ML. 504
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3325 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kharagpur Town** Police Station Case No. **209** of **2023** dated **11.04.2023** under Sections **341/323/326/354B/307/506/509/34** IPC.

And

In the matter of: **Mr. Debabrata Singh @ Puchu @ Debasish @ Devasish Singh Solanki**
....petitioner.

Mr. Sanat Kr. Das
Mr. Balaram Patra
Mr. Suvadip Bhattacharjee
Ms. Moumita Bhattacharyya

...for the petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan

... for the State.

Mr. Debapratim Guha
Ms. Debalina Guha
Ms. Ankita Seth
Ms. Anchita Sarkar

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The petitioner is alleged to have thrown bricks at the victim who is a female over a property dispute. Admittedly, there is pending civil suit between the parties. From the materials on record including the injury report of the victim, it is found that she has sustained a cut injury on her head and a fracture of her nasal bone. She is also found to be treated in the hospital for about seven days.
3. Charge-sheet is stated to have been filed.
4. The allegation and injury as such, do not attract offence under Section 307 IPC at least *prima facie* though offence under Section 326 IPC is attracted in view of fracture injury.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of injury as discussed (supra) and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Kharagpur, Paschim Medinipur in G.R. Case arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3325 of 2023** is disposed of.
8. Learned Additional Chief Judicial Magistrate, Kharagpur, Paschim Medinipur is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

