

28.08.2023
ML. 539
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3360 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **139** of **2023** dated **12.04.2023** under Sections **341/323/325/307/354/379/34** IPC.

And

In the matter of: **Mithu Sk. @ Abdul Rahul & Ors.**

....petitioners.

Ms. Chandrima Debnath

...for the petitioners.

Mr. S. S. Imam

Mr. R. Jana

... for the State.

1. Heard learned Counsel for the parties.
2. The present petitioner no. 1, Mithu Sk. @ Abdul Rahul is alleged to have assaulted the victim by an iron rod. Other petitioners have been implicated by the aid of Section 34 IPC. The injury report is indicative of a cut injury over the scalp but there is no bony injury as found from the injury report.
3. 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 completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad in G.R. Case arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail each of 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 including the condition that each of the petitioner shall

appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being **CRM (A) 3360 of 2023** is disposed of.
6. Learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

