

31.08.2023

SL. 3

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3375 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Habibpur** P.S. Case No. **91 of 2023** dated **18.03.2023** under Sections **307/323/325/341/379/447/506/34** of the IPC corresponding to G.R. Case No. **1637 of 2023** pending before the learned CJM, Malda.

And

In the matter of: **Popy Mandal @ Popi**

....petitioner.

Mr. Sagar Saha

Mr. Nurnobi Seikh

...for the petitioner.

Mr. Arijit Ganguly

Mr. Avik Ghata

...for the State.

1. Heard learned Advocate for the petitioner and learned Advocate for the State at length.
2. It is contended on behalf of the petitioner that considering the fact that the present petitioner is not the assailant the instant application for anticipatory bail may be considered favourable. On perusal of the entire report as available in the C.D. it reveals that the victim suffered cut injury over her scalp measuring about 8"/1.5" along with some multiple contusion over her right shoulder, right forearm and on her back also. The injuries are alleged to have been caused by assault of bamboo stick by four other accused persons. From the statements of the witnesses, it reveals that the present petitioner is not the principal assailant and it is also the version of the witnesses that the present petitioner was present at spot and at that material time she caught hold the victim from her back.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence, nature of injury as discussed (Supra) and completion of

investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial Magistrate, Malda within 15 days from today in the G.R. case No 1637 of 2023 arising out of aforesaid P.S. case. On her 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.

4. The learned CJM is directed to act upon the server copy of this order, if required.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 3375 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

