

29.08.2023

SL. 49

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3426 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jhargram** Police Station Case No. **29** of **2023** dated **02.02.2023** under Sections **325/326/307/120B** IPC read with Sections **25/27** of Arms Act.

And

In the matter of: **Manoj Das**

....petitioner.

Ms. D. Mitra

Mr. D. Ray

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP

Mr. Arabinda Manna

...for the State.

1. Heard learned Counsel for the parties.
2. All the accused persons are alleged to have come to the spot on four motorcycles. It is further alleged that one of them fired the shot causing injury to the victim. The victim in his statement has been unable to specifically say as to who fired the shot but he has named all the accused persons including the present petitioner.
3. From the statement of the eyewitnesses recorded under Section 161 Cr.P.C., it is found that one Barku (co-accused) had fired the shot. The present petitioner has been implicated with the aid of Section 34 IPC.
4. Learned Counsel for the petitioner submits that there is no record of past criminal antecedent against the petitioner, which is refuted by the learned Counsel for the State by saying that one record of past criminal antecedent is there against the petitioner.

5. The question of joint liability being a question of fact, it is better to be decided by the learned Trial Court at the time of trial.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his 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 is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.;
 - ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order;
 - iii) the petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O.
7. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3426 of 2023** is disposed of.

10. 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.)

