

30.08.2023

SL. 28

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3471 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **290** of **2023** dated **11.03.2023** under Sections **448/325/326/307/354/34** IPC (corresponding to G. R. Case No. 1004 of 2023).

And

In the matter of: **Ajijul Mallik @ Azizul Mallik & Ors.**

....petitioners.

Mr. Kingsuk Mondal

...for the petitioner.

Mr. Tanmoy Kr. Ghosh, Ld. SGA

Ms. Pritha Paul

... for the State.

1. Heard learned Counsel for the parties.
2. Learned Counsel for the petitioners does not want to press this application for anticipatory bail in respect of petitioner no. 4 (Hapijul Mallick @ Hapijul Mallik) and petitioner no. 6 (Ersad Mallick) on the ground that they have been arrested in the meantime.
3. Accordingly, the present petition for anticipatory bail in respect of aforesaid petitioner nos. 4 and 6 is dismissed as infructuous.
4. Out of the two victims, one victim has sustained simple injury on his head and another has sustained dislocation of forearm involving bone.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners except petitioner nos. 4 and 6, nature of allegation, nature of injury as discussed (supra) and completion of investigation, it is directed that

each of the petitioner except petitioner nos. 4 and 6 shall surrender before the learned Chief Judicial Magistrate, Berhampore, Murshidabad in G.R. Case No. 1004 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail each of the petitioner except petitioner nos. 4 and 6 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 in favour of the petitioner nos. 1 to 9, except petitioner nos. 4 and 6.
7. The application being **CRM (A) 3471 of 2023** is disposed of.
8. Learned Chief Judicial Magistrate, Berhampore, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

