

30.08.2023

SL. 67

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3516 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Suti** Police Station Case No. **327 of 2023** dated **08.06.2023** under Sections **341/324/307/34** of the IPC.

And

In the matter of: **Rabiul Islam**

....petitioner.

Ms. Shabana Hasin
Mr. Mobaidur Hassain

...for the petitioner.

Mr. S. S. Imam
Mr. Rajes Jana

...for the State.

1. Heard learned Advocate for the petitioner and learned Advocate for the State at length.
2. From the materials as placed before us it reveals that the incident occurred on 08.06.2023 at noon time when the informant and his family members are alleged to have made an attempt to cut the trees of the present petitioner to which the present petitioner not only objected but also assaulted the victim by a sharp cutting weapon causing amputation of distal part of his middle finger and lacerated injury in his left index finger.
3. In course of her submission, it has been argued by the learned Advocate for the petitioner that there was no intention on the part of the petitioner to cause such injury and on the contrary the present petitioner made all out effort to prevent the informant and his family members to cut his trees.
4. On perusal of the statements of the witnesses as recorded so far under Section 161 Cr.P.C., we, however, find no such material to justify the submission of the learned Advocate for the petitioner.
5. However, considering the fact that the injuries of the victim are

not on the vital part of the body and also keeping in mind that there is no criminal past record of the present petitioner, we considered that the present petitioner is successful in making out a case for obtaining a favourable order in his favour.

6. 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 substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest 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 concerned Arresting Officer is hereby directed to act upon the server copy of this order.

8. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.

9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 3516 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

