

31.08.2023
(D/L 24)
Ct. No.29
Allowed
(SKB)

CRM (A) 3549 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No.290 of 2023 dated 04.04.2023 under Sections 341/323/325/326/308/354/34 of the Indian Penal Code (G.R. Case No.907 of 2023).

In the matter of : Mojiful @ Majimul
@ Najimul @ Nojimul

... Petitioner

Ms. Minoti Gomes,
Ms. R. Roy

... for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan

... for the State

1. Heard the learned Counsel for the parties.
2. The victim of assault is found to have sustained a cut injury on her skull size of which is 1/2 inch x 4 inch. Taking into consideration the nature of injury which does not involve bone, offence under Section 308 IPC is not attracted at least *prima facie* in our considered view.
3. 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 completion of investigation, it is directed that the petitioner shall surrender before the learned ACJM, Chanchal, Malda in connection with the G.R. Case

No.907 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being CRM(A) 3547 of 2023 is disposed of.
6. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)