

31.08.2023
D/L 36
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3562 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.581 of 2023 dated 23.06.2023 under Sections 341/325/326/379/34 of the Indian Penal Code corresponding to GR Case No.1763 of 2023.

In the matter of : Abdul Malek and others

... Petitioners

Mr. Kausik Biswas

... for the petitioners

Mr. Avishek Sinha

... for the State

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that the sole victim in the case has suffered only simple injuries and thus offence under Section 326 IPC is not attracted at least *prima facie*.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed supra and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their 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.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
6. The applications being CRM(A) 3562 of 2023 is disposed of.
7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)