

12.09.2023
M/L 21
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3628 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliganj P. S. Case No.443 of 2023 dated 13.07.2023 under Sections 341/325/326/379/34 of the Indian Penal Code.

In the matter of : Asarul Sk @ Ajarul Sk and others
... Petitioners

Mr. Santanu Talukdar,
Mr. Priyankar Ganguly,
Ms. Neelanjana Ghorui
... for the petitioners

Mr. Siladitya Banerjee
... for the State

1. Heard learned advocate for the petitioners and learned advocate for the State at length.
2. It is contended on behalf of the petitioners that the alleged incident occurred out of a long standing property dispute over which the present petitioners also suffered injuries and there is stated to be case and counter case between the parties.
3. On perusal of the four injury reports in respect of the victims as available in the CD, it reveals that the injury reports of the three victims are practically negligible in nature and one Asfer Sk. though suffered deep cut injury at the lower side of his nose but the said injury is not a bony injury.

4. 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 including the condition:

i) The petitioners are directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.

5. Accordingly, the prayer for the anticipatory bail is allowed.

6. 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.

7. The applications being CRM(A) 3628 of 2023 is disposed of.

8. 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.)