

12.09.2023
M/L 22
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3629 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Habibpur P. S. Case No.229 of 2023 dated 09.07.2023 under Sections 341/323/325/307/506/34 of the Indian Penal Code corresponding to G.R. No.4326 of 2023.

In the matter of : Anil Barman and others

... Petitioners

Mr. Arnab Chatterjee,
Ms. Sujata Das,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

... for the petitioners

Mr. Arijit Ganguly,
Mr. Avik Ghatak

... 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 allegation has made out in the FIR is an outcome of a dispute between the neighbours.
3. We have perused the injury report of the two victims and it reveals to us that though the said two victims suffered multiple linear aberration and bruises over their respective persons but those are not on the vital parts of their bodies and those injuries also do not involve their bones.

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 G.R. No.4326 of 2023 arising out of 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) 3629 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.)