

12.09.2023
M/L 35
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3642 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chinsurah P. S. Case No.322 of 2023 dated 08.07.2023 under Sections 341/325/307/34 of the Indian Penal Code corresponding to G.R. Case No.1873 of 2023.

In the matter of : Sri Pradip Banerjee

... Petitioner

Ms. Suman Sehanabis,
Ms. Atulya Sinha

... for the petitioner

Mr. Madhu Sudan Sur, Id. APP
Mr. Manoranjan Mahata

... for the State

1. Heard learned advocate for the petitioner and learned Additional PP for the State at length.
2. It is submitted on behalf of the petitioner that the incident occurred out of a property dispute between the two brothers.
3. We have perused the injury reports of the victim as available in the CD. In our considered view, the injuries are not so much serious in order to attract the provision under Section 307 IPC at least *prima facie* in absence of any vital bony injury.
4. 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 G.R. Case No.1873 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 petitioner is 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 petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
7. The applications being CRM(A) 3642 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.)