

18.09.2023
ML. 126
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3733 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Puncha** Police Station Case No. **51** of **2023** dated **16.06.2023** under Sections **448/323/34** IPC (corresponding to G.R. Case No. 1095 of 2023).

And

In the matter of: **Malati Rakshit & Ors.**

....petitioners.

Mr. Subhas Chandra Atha
Ms. Payel Paramanick

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Santanu Chatterjee
Ms. Moushumi Sarkar

...for the State.

1. Heard learned Counsel for the parties.
2. The incident occurred on account of a dispute between neighbours where the present petitioners have allegedly assaulted the victim as well as her family members and they have also spit over her.
3. From the statement of the witnesses as recorded under Section 161 Cr.P.C., we find that there are some incriminating materials as against the present petitioners but those are *prima facie* appears to be at the fringe.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of offence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer 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 that:

- i) The petitioners being ladies are directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset.
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. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 3733 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

