

19.09.2023
ML. 173
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3780 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Panskura** Police Station Case No. **493 of 2023** dated **09.07.2023** under Sections **120(B)/147/148/149/171-C/171-F/307/323/325/326/329/332/333/353/364** of the IPC.

And

In the matter of: **Suhana Parvin @ Suhana Parveen & Anr.**

....petitioners.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Amal Krishna Samanta

...for the petitioners.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

1. Heard learned Counsel for both the parties.
2. The incident is alleged to have happened in course of fight between two political groups after the last Panchayat Election. Out of two victims, one of the victims has suffered fracture of nasal bone and another has suffered simple injury. There is charge under Sections 171C and 171F of the IPC in view of the fact that allegation is there to the effect that some electoral offence have also been committed like shifting of Ballot box, etc. There is, however, counter claim by the petitioners to the effect that the Ballot box were being shifted at the behest of the adversary political party and not by the members of the defence group especially in view of the fact that one of the member of the defence group has won the election and he/she was confident of the result of the election.
3. Be that as it may, such incident sporadic, frequent and in a massive scale is happening in the State especially during election and on the basis of institution of case liberty of a person cannot be curtailed on the basis of mere allegation without cogent materials to substantiate the same during

trial.

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 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.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3780 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

