

19.09.2023
ML. 177
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3784 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Itahar** Police Station Case No. **173 of 2023** dated **10.05.2023** under Sections **448/323/328/307/354B/34** of the IPC.

And

In the matter of: **Niresh Debsharma @ Bhutku Debsharma & Ors.**

....petitioners.

Mr. Tapan Datta Gupta
Mr. Parvej Anam

...for the petitioners.

Mr. Binay Panda
Mr. Subham Bhakat

...for the State.

1. Heard learned Counsel for both the parties.
2. Though a case of forceful poisoning has been made out in the written complaint as well as in the statement of the victim as recorded under Section 164 Cr.P.C. but such material is peculiarly absent either in the statements of the witnesses as recorded under Section 161 Cr.P.C. or in the medical papers and/or treatment sheet of the victim.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence 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 including the condition that:

- i) The petitioners are directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. 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.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3784 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

