

20.09.2023
ML. 196
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3804 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **669** of **2023** dated **09.07.2023** under Sections **147 /148 /149 /332 /333 /353 /307 /427 /507** IPC read with Sections **9** and **4** of the West Bengal Maintenance of Public Order Act (corresponding to G.R. Case No. 1996 of 2023).

And

In the matter of: **Md. Nasim @ Nasim & Ors.**

....petitioners.

Mr. Tapan Kuma Gupta
Mr. Parvej Anam

...for the petitioners.

Mr. Saibal Bapuli, Ld. APP
Mr. Soumik Ganguli

...for the State.

1. Heard learned Counsel for the parties.
2. The present petitioners are stated to be similarly circumstanced with Md. Aminul Hoque @ Aminul Hoque and others who have been enlarged on bail vide order dated 09.08.2023 passed in CRM (A) 3159 of 2023.
3. Learned Counsel for the State submits that the case of the present petitioner no. 2 (Md. Tarikul @ Tarikul @ Kalu) may be distinguished inasmuch as he had caused a deep cut injury on the scalp of the victim namely, Bipul Kumar Banerjee.
4. The perusal of the injury report, however, shows that the said injury does not involve bone and hence simple in nature.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation,

ground of parity and substantial progress in investigation, it is directed that each of the petitioners 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 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

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. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 3804 of 2023** is disposed of.
9. 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.)

