

21.09.2023
ML. 254
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3862 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Penro** Police Station Case No. **64** of **2023** dated **23.06.2023** under Sections **448/325/506/34** IPC (corresponding to G.R. Case No. 1442 of 2023).

And

In the matter of: **Jakir Mallik & Ors.**

....petitioners.

Ms. Sangita Chakraborty

...for the petitioners.

Mr. Bidyut Kumar Roy

Ms. Sima Biswas

...for the State.

1. Heard learned Counsel for the parties.
2. There is stated to be case and counter case between the parties.
3. Considered the materials placed before us including the statement of the witnesses and the injury report in respect of the victim.
4. The victim has suffered an injury on his head without any internal implication and without involving bone, however, he has suffered a fracture in the proximal phalanx of left index finger which is not a vital part of the body and cannot be attributed to the assault on the head.
5. Regard being had to the facts and submission, 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 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 conditions 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 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) 3862 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.)

