

03.10.2023

SL. 60

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3993 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **264** of **2023** dated **06.07.2023** under Sections **448/323/325/354/307/34** IPC (corresponding to G.R. Case No. 1955 of 2023, pending before the learned ACJM, Chanchal, Malda).

And

In the matter of: **Wajul & Ors.**

....petitioners.

Mr. Imtiaz Akhtar

Mr. Nasud Malik

...for the petitioners.

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. Though the alleged incident as involved in this case occurred on account of political rivalry between two opposite groups but it is fairly submitted at the Bar that the victims of the alleged incident suffered no injuries on their persons. However, as per version of the learned Counsel for the State, there are sufficient materials to attract the provision of Section 354 IPC as against the present petitioners.
3. Considering the fact that this is not a fit case for custodial interrogation of the present petitioners and keeping in mind the quantum of punishment as prescribed under Section 354 IPC, we are inclined to take a lenient approach in favour of the petitioners.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation

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 week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
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) 3993 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.)

