

03.10.2023
D/L 63
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3996 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tehatta P. S. Case No.589 of 2023 dated 26.07.2023 under Sections 436/506/34 of the Indian Penal Code.

In the matter of : Arjun Mal and others

... Petitioners

Mr. Asraf Mondal

... for the petitioners

Mr. Avishek Sinha

... for the State

1. Heard learned counsel for the parties.
2. The petitioners are alleged to have set fire on a marriage Pandal at the time when function (Boubhat) was going on there.
3. Learned counsel for the petitioners submits that there is no record of past criminal antecedent against the petitioners.
4. Regard being had to fact that Pandal is not a dwelling house, *prima facie*, offence under Section 436 IPC is not attracted.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence and substantial progress in investigation, it is directed that each of 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:

- i) The petitioners are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. 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.
8. The applications being CRM(A) 3996 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)