

04.10.2023
D/L 27
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4021 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harirampur P. S. Case No.141 of 2023 dated 26.07.2023 under Sections 448/323/325/354/379/506/34 of the Indian Penal Code (G.R. Case No.800 of 2023).

In the matter of : Samir @ Sameer Das and another
... Petitioners

Ms. Jenia Rudra,
Ms. Megha Chanda
... for the petitioners

Mr. Sudip Kumar
... for the State

1. Heard learned advocates for the parties.
2. The incident as alleged in this case occurred on account of scuffling between the petitioners and the prosecution parties. It reveals that out of the said incident, two persons sustained injury out of which one victim namely Goutam Nanda sustained aberration in elbow and multiple fracture on his 11th rib which, according to the treating doctor, is grievous in nature. so far as injuries of the other persons are concerned, it is opined to be simple in nature. From the statements of the witnesses, it appears that the victim Goutam Nanda fall on the earth at the time of scuffling between the parties.

3. Investigation has been completed and charge-sheet has been submitted under Sections 448/323/325/354/379/506/34 with adding Sections 326/307 IPC.
4. Considering the entire materials as discussed above and also considering the fact that custodial interrogation of the present petitioners are no more necessary, we are inclined to take a lenient approach with regard to the petitioners.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence, nature of injury as discussed supra, the cause of the grievous injury on one of the victims and completion of investigation, it is directed that each of the petitioner shall surrender before the learned ACJM, Gangarampur, Buniadpur, Dakshin Dinajpur in the G.R. Case No.800 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their surrender and application for bail, they shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 4021 of 2023 is disposed of.

8. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)