

04.10.2023
SL. 44
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4039 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bharatpur** Police Station Case No. **378 of 2022** dated **19.11.2022** under Sections **324/307/120B/34** of the IPC.

And

In the matter of: **Ganesh Mondal**

....petitioner.

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta

...for the petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan

...for the State.

1. Heard learned Counsel for both the parties.
2. From the present petition, we find that in respect of the self-same victim, self-same date and time involving the self-same accused persons two FIRs have been filed though by different persons. The present FIR is stated to be the later one.
3. Admittedly, the victim has suffered amputation of right leg. Whether that is because of accident or assault is a matter to be decided at the time of trial. We do not want to dive deep into such controversial facts now.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his 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.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

6. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM (A) 4039 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

