

06.10.2023
SL. 14
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4067 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kotshila** Police Station Case No. **83 of 2023** dated **31.07.2023** under Sections **341/323/326/506** of the IPC

And

In the matter of: **Ramesh @ Sisir Mahato**

....petitioner.

Mr. Pawan Kr. Gupta

Mr. Sougata Mitra

Ms. Sofia Nesar

Mr. Santanu Sett

Ms. Soma Chakraborty

...for the petitioner.

Mr. S. Bapuli, APP

Ms. Sayanti Santra

...for the State.

1. Heard learned Counsel for both the parties.
2. From the materials as placed before us it reveals that on account of the alleged assault by the petitioner the victim has suffered uprooting of two teeth of the upper jaw during the transaction. Though *prima facie* case as against the petitioner under Section 326 IPC has been made out but we consider that this is not a fit case for custodial interrogation.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of injury as discussed (Supra) 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 including the conditions that:
 - (i) The petitioner is 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 F.F.

- (ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. 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.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM (A) 4067 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

