

11.10.2023
ML. 15
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4104 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Islampur** P.S. Case No. **103 of 2023** dated **17.03.2023** under Sections **447/325/308/354/34** IPC corresponding to G.R. Case No. **822 of 2023** pending before the learned ACJM, Lalbagh, Murshidabad.

And

In the matter of: **Marjan Ali @ Mondal & Anr.**

....petitioners.

Mr. Golam Nure Imrohi

...for the petitioners.

Mr. Prasun Kr. Datta, APP

Mr. Nirupam Dhali

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioners seek parity with other co-accused already enlarged on anticipatory bail by us on 31.08.2023 in CRM (A) 3582 of 2023.
3. Such contention is opposed on behalf of the State. On perusal of the entire materials it reveals that out of the injured persons one injured, namely, Saidul Biswas had suffered two fractured injuries on his left hand while the injuries of the other victims are simple in nature.
4. Though from the materials collected in course of investigation the involvement of the present two petitioners are found to be *prima facie* prominent but considering the fact that investigation has already been completed and keeping in mind that it is not a fit case for custodial interrogation of the present petitioners, we are inclined to take a lenient view.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation,

nature of injury as discussed (Supra) and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad within 15 days from today in the G.R. case No. 822 of 2023 arising out of aforesaid P.S. case.

6. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. The learned ACJM, Lalbagh, Murshidabad is directed to act upon the server copy of this order, if required.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 4104 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

