

11.10.2023

ML. 16

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4105 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **166** of **2023** dated **02.06.2023** under Sections **341/447/325/326/307/354/34** IPC.

And

In the matter of: **Jadu Halder @ Jadu Nath Halder & Ors.**

....petitioners.

Mr. Ashok Das
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners.

Mr. S. S. Imam
Mr. R. Jana

...for the State.

Mr. Atis Kumar Biswas
Mr. Amit Singh
Mrs. Jyoti Agarwal

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The incident as involved in the case occurred on account of a dispute between neighbours for raising a boundary wall where four persons were alleged to have been assaulted by the present petitioners. From the injury report of the victim, it reveals that the treating doctor opined the injury of one victim as simple while in respect of other three inures his prognosis is found to be variable since he noticed cut injuries over the respective heads of the said three victims for which several stitches have been given.
3. It *prima facie* appears to us that those injuries do not involve any bone and/or those three victims have been hospitalized for more than 20 days.

4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed supra and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer 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 petitioners are 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 Final Form.
 - ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
5. 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.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 4105 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

