

20.11.2023

SL. 4

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4222 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Simlapal** Police Station Case No. **111** of **2023** dated **15.07.2023** under Sections **147/ 148/ 149/ 506/ 325/ 302/ 120B** IPC (corresponding to G.R. Case No. 578 of 2023, pending before the Learned ACJM, Khatra, Bankura).

And

In the matter of: **Mangal Hansda & Anr.**

....petitioners.

Mr. S. Mandal
Mr. M. K. Sardar
Mr. N. Samanta

...for the petitioners.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... for the State.

1. Heard learned Counsel for the parties.
2. On perusal of the entire materials placed before us, it reveals from the statements of the two witnesses as recorded under Section 164 Cr.P.C as well as the statements of the other witnesses as recorded under Section 161 Cr.P.C. there occurred a dispute between two families who are the neighbours with regard to the keeping building materials and followed by intervention of the present two petitioners.
3. It is alleged that the present two petitioners though not the principal accused, but at their instigation, three principal accused gave the fatal blow on the head of the deceased.
4. Investigation is stated to have been completed in the meantime.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation,

nature of evidence and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Khatra, Bankura, in G.R. Case No. 578 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail, they shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. with a further condition, the present petitioners shall not leave the territorial jurisdiction of the learned trial Court without obtaining prior permission of the learned trial Court during investigation.

6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 4222 of 2023** is disposed of.
8. Learned Additional Chief Judicial Magistrate, Khatra, Bankura, is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

