

05.10.2023

SL. 10

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4337 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Naihati** Police Station Case No. **280** of **2023** dated **07.09.2023.2023** under Sections **448/ 341/ 323/ 354/ 376/ 511/ 506/ 34** IPC (corresponding to G.R. Case No. 7512 of 2023).

And

In the matter of: **Sk. Abu Kalam & Anr.**

....petitioners.

Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Subhajit Chowdhury

...for the petitioners.

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

...for the State.

1. Heard learned Counsel for the parties.
2. It is submitted on behalf of the petitioners that the instant case arises out of a neighbour dispute relating to property. It is fairly submitted at the Bar that in the CD, practically there is no material as against the present petitioners to attract the offence under Sections 376/511 IPC and/or Section 354 IPC at least *prima facie*.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation 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.
4. 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.

5. Accordingly, the prayer for anticipatory bail is allowed.
6. The application being **CRM (A) 4337 of 2023** is disposed of.
7. 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.)

