

22.11.2023

SL. 2

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4899 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jamalpur** Police Station Case No. **266** of **2023** dated **10.08.2023** under Sections **341/326/506/34** IPC (corresponding to G.R. Case No. 4431 of 2023).

And

In the matter of: **Bablu Mandal & Ors.**

....petitioners.

Mr. Uday Sankar Chattopadhyay

Ms. Rajashree Tah

Ms. Trisha Rakshit

Ms. Aishwarya Datta

...for the petitioners.

Mr. Partha Pratim Das

Ms. Eshita Dutta

...for the State.

Mr. Debottam Das

Ms. Debyanjona Das

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. At the very outset, learned Counsel for the petitioners submits before this Court that he is not pressing the instant application for anticipatory bail in respect of petitioner no. 1 (Bablu Mandal), petitioner no. 2 (Bishwajit Pakrey) and petitioner no. 3 (Lalu Pakrey) since they have been arrested in the meantime. Such being the position, the prayer for anticipatory bail of the petitioner nos. 1, 2 and 3 stands hereby the dismissed as 'not pressed'.
3. On perusal of the entire materials of the case diary, it reveals that the injuries of the victim are not on the vital part of the body and though he has sustained a fracture in his hand (right ulna).

4. Though learned Counsel for the informant submits before this Court that one person succumbed to his injuries out of the transaction as involved in this case but it reveals from the opinion of the Medical Officer as available in the CD that the said person succumbed due to his illness (Intra Cerebral Hemorrhage in the background of uncontrolled Hypertension).
5. Regard being had to the facts and submission, factum of permanent residence of the petitioner no. 4 (Bikash Pakrey), nature of allegation, nature of injury as discussed supra and substantial progress in investigation, it is directed that petitioner no. 4 shall be released on bail in the event of his 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 petitioner no. 4 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 Final Form.
 - ii) The petitioner no. 4 shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. Within 21 days from today, petitioner no. 4 is directed to appear before the I.O. along with a server copy or certified copy of this order.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 4899 of 2023** is disposed of.

9. 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.)

