

01.02.2024
(D/L 4)
Ct. No.1
(Allowed)
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 77 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mathabhanga P. S. Case No.572 of 2023 dated 30.10.2023 under Section 447/354/323/326/307/506/34 of the Indian Penal Code (G.R. Case No.1403 of 2023).

In the matter of : Madhab Barman and another
... Petitioners

Ms. Suman Sehanabis (Mandal),
... for the petitioners

Mr. Saikat Chatterjee,
Mr. Chattu Roy
... for the State

1. Heard learned Counsel for the parties.
2. There is stated to be case and counter-case between the parties.
3. Learned counsel for the State objects to the present prayer of the petitioners.
4. On consideration of the injury report in respect of three victims, we find that two of them have suffered head injury by sharp cutting weapons. None of the injuries involves any bone and, *prima facie*, the offence under Section 307 IPC is not attracted.
5. Charge-sheet has been filed.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of

allegation, nature of evidence, nature of injury as discussed supra and completion of investigation, it is directed that each of the petitioner shall surrender before the learned ACJM, Mathabhanga, Cooch Behar within 15 days from today in the G.R. Case No.1403 of 2023 arising out of the aforesaid P.S. case.

7. On their appearance and application for bail, they shall be released on bail by the aforesaid court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The applications being CRM(A) 77 of 2024 is disposed of.
10. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)