

03.10.2024  
Court No.29  
Item No. 18 &19  
ar

**CRM (A) 2386 of 2024**

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (previously, section 438 of the Code of Criminal Procedure, 1973) filed in connection with Salar Police Station Case No. 68 of 2024 dated 15.02.2024 under Sections 341/323/325/326/307/302/411/34 of the IPC, 1860.

And

In the matter of: **Moharaj Sk @ Rabiul Sk and others**

.... petitioners

With

**CRM (A) 3468 of 2024**

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (previously, section 438 of the Code of Criminal Procedure, 1973) filed in connection with Salar Police Station Case No. 68 of 2024 dated 15.02.2024 under Sections 341/323/325/326/307/302/411/34 of the IPC, 1860.

And

In the matter of: **Md. Nadim and others**

.... petitioners

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.,  
Mr. Antarikhya Basu,  
Mr. Sayan Mukherjee  
Ms. Madhumita Basak

....For the Petitioners  
in CRM (A) 2386 of 2024 &  
in CRM (A) 3468 of 2024

Mr. Sandip Chakraborty,  
Ms. Jonaki Saha

....For the State in  
CRM (A) 2386 of 2024

Ms. Sonali Das,  
Ms. Rituparna Saha

....For the State in  
CRM (A) 3468 of 2024

Mr. Jisan Iqubal Hossain

..For the De-facto Complainant  
in CRM (A) 2386 of 2024 &  
in CRM (A) 3468 of 2024

1. Both the petitions are heard together and disposed of by a common order.
2. We have heard the learned counsel appearing for the parties.
3. The petitioners are the accused of an offence under Section 302 I.P.C.
4. Mr. Sekhar Basu, learned senior counsel appearing for the petitioners, has submitted that due to hot altercation between two groups both sides have sustained injuries and there has been no criminal intention on the part of the petitioners. Mr. Basu has further submitted that in consideration of an application for anticipatory bail, which involves large number of persons, it has to be seen whether any overt act has been specifically ascribed to the petitioners. In this regard, Mr. Basu has referred to the decision of the Hon'ble Supreme Court in the case of **Siddharam Mhetre Vs. State of Maharashtra**, reported in **(2011)1 SCC 694**.
5. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the case diary, the order passed by a coordinate bench on 21.8.2024 in rejecting the application for bail in respect of few of the accused persons in connection with CRM (DB) 2073 of 2024 and further submits that the cause of death of the victim was attributed to the petitioners.
6. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and carefully considering the statement of the injured in which specific allegation has been made against the present petitioners for physical assault that had caused the death of Sukhchand and also having regard to the fact that a coordinate bench in Suroj Sk. & Ors.(supra) rejected the prayer for bail of those accused persons who have been named under Section 164 Cr.P.C in these proceedings, we are not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the prayer for anticipatory bail of the petitioners is rejected and CRM (A) 2386 of 2024 and CRM (A) 3468 of 2024 are accordingly disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Soumen Sen, J)**

**(Uday Kumar , J)**