

10.12.2024
Sl. No.12
akd
[ALLOWED]

C. R. M. (A) 4209 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 26.11.2024 in connection with Berhampore Police Station Case No.1560 of 2024 dated 11.10.2024 under Sections 126(2)/117(2)/118(2)/109(1)/303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.5374 of 2024)

And

In Re: **Bapi Sarkar & Ors.**

... .. Petitioners

Mr. Soumya Basu Roy Chowdhuri
Mr. Somnath Adhikari

... .. for the petitioners

Mr. Joydeep Roy
Ms. Atulya Sinha

... .. for the State

1. Heard learned Advocates for both the parties.
2. We have considered the materials on record. Incident occurred when the parties were playing cards during *puja*. Though the injuries are grievous, the factual matrix demonstrates the act was impulsive and not a pre-planned one. Petitioners do not have criminal antecedents. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.
3. Accordingly, we direct in the event of arrest, the petitioners, namely, **(1) Bapi Sarkar, (2) Ashini Sarkar @ Asin Sarkar & (3) Ujjal Sarkar @ Ujjwal Sarkar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the

petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

4. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)