

11.02.2025
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Partly
Allowed

CRM (A) No. 458 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Patashpur Police Station Case No. 115 of 2024 dated 12.02.2024 under Sections 341/323/325/326A/506/34 of the Indian Penal Code.

And

In Re : Daibakinandan Bera & Ors. petitioners

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
..... for the petitioners

Mr. Sandip Chakraborty
Mr. Soumadip Saha
..... for the State

1. Learned Counsel for the petitioners submits there was prior enmity between the parties. They have been falsely implicated. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. In the course of quarrel petitioner no. 2 supplied an acid bottle which was thrown at the victim by petitioner no. 1. In view of the primary role played by the said petitioners in the crime we are not inclined to grant anticipatory bail to them.

4. Accordingly, prayer for anticipatory bail in so far as petitioner nos. 1 and 2 concerned is rejected.

5. However, petitioner nos. 3 and 4 viz. Madhusudan Bera and Shyamal Bera did not play any role in throwing acid at the victim. Hence, we are inclined to grant anticipatory bail to them.

6. Accordingly, we direct that in the event of arrest, petitioner nos. 3) Madhusudan Bera, and 4) Shyamal Bera shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

7. The application for anticipatory bail in so far as petitioner nos. 3 and 4 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)