

C. R. M. (A) 550 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 12.02.2025 in connection with Baishnabnagar Police Station Case No.102 of 2025 dated 28.01.2025 under Sections 118(2)/109/103/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/27/35 of the Arms Act.

And

In Re: ***Gouranga Ghosh***

... .. Petitioner

Mr. Biswajit Tiwari

... .. for the petitioner

Mr. Sandip Chakrabroty
Mrs. Rituparna Saha

... .. for the State

1. It is submitted on behalf of the petitioner that he is not the principal accused. One Nema Ghosh suddenly fired at the country liquor shop owner who died. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record including the dying declaration. In the dying declaration, victim, who was a seller of country liquor, stated petitioner and others including one Nema Ghosh had come to the shop. They started drinking. When they were called upon to pay, they refused to do so. Suddenly one of them i.e. Nema Ghosh fired at the victim and one Pradip Karmakar. As a result, the victim died.
4. In light of the aforesaid narration it appears petitioner is not the principal accused. Though he had drunk liquor along with others and the principal accused, whether he shared common intention with the latter to murder the victim requires to be assessed at the appropriate stage of the proceeding. There is no chance of abscondence.

5. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

6. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Gouranga Ghosh**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)