

03.03.2025
18.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 633 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Itahar Police Station Case No. 469 of 2024 dated 14.08.2024 under Sections 105/49/3(5) of BNS.

And

In Re: **Ishahak Ali.**

... ... Petitioner

Mr. Uday Sankar Chattopadhyay,
Ms. Rajshree Tah,
Ms. Aishwarya Datta,
Ms. Bidisha Chakroborty,
Ms. Sadia Parveen.

... ... for the petitioner

Mr. Sandip Chakraborty,
Ms. Sudeshna Das.

... ... for the State

1. Petitioner contends there was a fight between him and one Akalu Sk's wife, Nurjahan around 2.30 P.M. Nurjahan lodged Itahar P.S. Case No. 465/24 dated 13.08/2024. Subsequently, Nurjahan's husband Akalu Sk assaulted the deceased resulting in registration of the present case. During investigation, petitioner was falsely implicated as the assailant. Accordingly, he prays for anticipatory bail.

2. In light of the aforesaid submission, we called for the case diary in Itahar P.S. Case No. 465/24 dated 13.08/2024 registered at the behest of Akalau's wife, Nurhajan. The said case diary is placed on record. Relying on these documents learned Counsel for the State submits both the incidents occurred one after another and cannot be treated as case and counter case.

3. We have considered the materials on record. There is much force in Mr. Chakraborty's submission that both the incidents resulting in registration of Itahar P.S. Case No. 465/24 dated 13.08/2024 and the present case are independent. Itahar P.S. Case No. 465/24 relates to a fight between the petitioner and Akalu and his wife Nurjahan around 2.30 PM. On the other hand, the present case relates to an incident which occurred at 4.30 P.M. As per FIR Akalu assaulted the deceased resulting in his death. But in statements recorded during investigation the prosecution case underwent a substantial change and witnesses had alleged petitioner tried to attack Akalu and by mistake hit the victim resulting in his death. These statements are of relations of Akalu. Possibility to falsely implicating the petitioner in the murder and thereby screen Akalu cannot ruled out.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Ishahak Ali** be released on bail upon furnishing a bond of Rs.10,000/-, 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. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)