

25.02.2025

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Partly

Allowed

CRM (A) No. 652 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Lalgola Police Station Case No. 745 of 2024 dated 16.07.2024 under Sections 329(3)/117(2)/110/3(5) of the BNS and the charge-sheet submitted under Sections 329(3)/117(2)/110/105/3(5) of the BNS.

And

In Re : Abdul Guni @ Abdul Goni & Ors..... petitioners

Mr. Soumyajit Das Mahapatra

Mr. Somnath Adhikary

..... for the petitioners

Mr. Kaushik Biswas

Ms. Debjani Sahu

..... for the State

1. Learned Counsel for the petitioners submits there was a free fight over demarcation of land. They have been falsely implicated. Accordingly, they pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioners have been named in the statements of witnesses before learned Magistrate.

3. We have considered the materials on record. Though witnesses name all the petitioners, in the medical papers petitioner no. 1, Belal Sk. and Mannan Sk. have been named alongwith unnamed others as the assailants. Witnesses stated twenty persons assaulted the victim with brick bats. However, postmortem report does not disclose extensive injuries

corroborating mob-lynching. Possibility of roping all the petitioners due to prior enmity cannot be ruled out.

4. Keeping in mind these facts while we are not inclined to grant anticipatory bail to the petitioner no. 1 whose name appears at the first instance in the medical papers, we are inclined to grant anticipatory bail to the petitioners no. 2, 3 and 4.

5. Accordingly, prayer for anticipatory bail in so far as petitioner no. 1, Abdul Guni @ Abdul Goni concerned is rejected.

6. Accordingly, we direct that in the event of arrest, petitioners no. 2) Anisur Rahaman, 3) Esmail Sk. @ Ismail Sk. and 4) Abdul Alim 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 petitioners no. 2, 3 and 4 concerned is, thus, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**