

C. R. M. (A) 805 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 28.02.2025 in connection with Uluberia GRPS Case No.39 of 2024 dated 28.12.2024 under Sections 103/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Gule Sha @ Mosharaf Sha & Anr.***

... .. Petitioners

Mr. Tanmoy Chowdhury
Mr. Ritoprito Ghosh

... .. for the petitioners

Ms. Amita Gaur
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioners victim was in an inebriated condition and suffered accident on railway track. Petitioners have been falsely implicated. Accordingly, they pray 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 statement of the driver of the locomotive which had run over the victim. Driver stated victim had suddenly come in front of the train and suffered injuries. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.
4. Accordingly, we direct in the event of arrest, the petitioners, namely, ***(1) Gule Sha @ Mosharaf Sha & (2) Pankaj Ghosh***, 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)