

07.03.2025
12.
Ct. No. 28
SG
[Partly
Allowed]

C. R. M. (A) 810 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with G.R. Case No. 275 of 2025 arising out of Kharagpur (Local) Police Station Case No. 102 of 2025 dated 28.01.2025 under Sections 115(2)/117(2)/109(1)/ 3(5) of BNS.

And

In Re: **Khadu Biswas @ Khanduram Biswas and Ors.**

... .. Petitioners

Mr. Amit Ranjan Pati.

..... for the petitioners

Mr. P.K. Datta,
Ms. Baisakhi Chatterjee.

..... for the State

Mr. Soumya Nag,
Mr. Aditya Tiwari.

..... for the de facto complainant

1. Petitioners submit petitioner no. 2 is the brother of the victim. There is prior enmity between the parties. All the family members have been roped in. Accordingly, they pray for anticipatory bail.

2. Learned Counsel for the State and *de facto* complainant oppose the prayer for anticipatory bail.

3. We have considered the materials on record including the statement of the *de facto* complainant who is an eye-witness. She alleges the petitioners had come in a body and physically assaulted her husband i.e. the victim with iron rod, lathi and other weapons. Number of injuries are noted on the victim. He had been hospitalised. However, in the view of the prior enmity between the parties, we are of the opinion the women folk of the family i.e. petitioner nos. 5 and 6 may have been falsely roped in.

4. Distilling the accusations from that perspective, we are of the opinion this is not a fit case to grant anticipatory bail to petitioner nos. 1 to 4.

5. However, we are inclined to grant anticipatory bail to petitioner nos. 5 and 6.

6. Accordingly, we direct that in the event of arrest, the petitioner nos. 5 and 6 viz., **(5) Sonali Santra @ Sonali Biswas Santra** and **(6) Malati Biswas** 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, 2023. They 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.)