

20.03.2025
Item No.25
Ct. No. 26
CHC

C.R.M.(A) 935 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Baruipur** Police Station Case No. **444/25** dated **04.03.2025** under Sections **126(2)/ 115(2)/ 324(4)/ 318(2)/ 351(2)/3(5) BNS, 2023.**

And

In the matter of : Najma Ahmed & Anr.

..... petitioners

Mr. Allen Felex, Advocate
....for the petitioners

Mr. Md. Adil Badr, Ld. Jr. Govt. Advocate
Mr. Samarjit Ballial, Advocate
....for the State

1. The present application is not maintainable in view of the fact that, all sections under which the police case is registered are bailable.
2. Learned advocate appearing for the petitioners submits that, the petitioners seek to withdraw the application. He submits that, the application was filed after obtaining the copy of the First Information Report from the jurisdictional Court. His clients are being harassed by issuing notices under Section 41A of the Criminal Procedure Code.
3. Learned advocate appearing for the State points out that, the First Information Report was registered under provisions of the BNS which are bailable. He also points

out that, petition contains incoherent statements and does not relate to the subject-matter at all.

4. Issuance of notice under Section 35(3) of the BNSS cannot be construed to be a harassment since there is a First Information Report registered as against the petitioners.
5. Petitioners came to Court on the basis of First Information Report which does not contain any section of the BNS which is not bailable.
6. Initially, prayer was for an adjournment. Thereafter, when it was pointed out by the learned advocate appearing for the State that, application was not maintainable, prayer was made for withdrawal of the application.
7. In view of the petitioners filing an application which is not maintainable and consuming valuable time of the Court, it would be appropriate to impose costs upon the petitioners.
8. Petitioners will pay costs assessed at Rs.50,000/- (Rupees Fifty Thousand only) payable to the West Bengal State Legal Services Authorities, Kolkata within seven days from date. Documentary evidence of the payment of such costs be filed with the Investigating Officer. In the event, the Investigating Officer does not receive the documentary evidence of payment of costs from the petitioners, he will undertake this matter to the District Magistrate, South 24

Parganas under whose jurisdiction the petitioners are residing. District Magistrate, South 24 Parganas will take appropriate steps for realization of the costs from the petitioners as arrears of rent revenue.

9. This application for anticipatory bail is, thus, rejected.

(Debangsu Basak, J.)

(Smita Das De, J.)