

18.03.2025

Serial no. 44
(Anticipatory bail)
(Allowed)
(Dd)

CRM (A) 930 of 2025

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Saktipur** Police Station Case No. **299** of **2024** dated **1st December, 2024** under Sections **126(2)/117(2)/118(2)/109(1)/103(2)/3(5)** of Bharatiya Nyaya Sanhita, 2023 charge sheet submitted under Sections **109(1)/117(2)/118(2)/126(2)/103(1)/3(5)** of Bharatiya Nyaya Sanhita, 2023 pending before Ld. ACJM, Berhampore, Murshidabad.*

-And-

In the matter of : **ASIM GHOSH**

... .. Petitioner

*Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose, Advocates
... .. For the Petitioner*

*Ms. Sukanya Bhattacharya,
Mr. Sujoy Sarkar, Advocate
... ..For the State*

1. Petitioner prays for anticipatory bail.
2. Learned advocate appearing for the petitioner submits that, in an incident of assault one person expired and the other sustained grievous hurt. The victim, however, recorded a statement under Section 183 of BNSS, 2023 where, petitioner was not named as one of the assailants, although statement recorded under Section 180 of the BNSS, 2023 says so.
3. Learned advocate appearing for the State draws the attention of the Court to the postmortem report of the victim as also to the statement recorded under Section 180 of the BNSS.
4. Police filed charge sheet.

5. Injured recorded a statement under Section 183 of the BNSS, 2023. Injured recording such statement is the son of the victim who expired in the incident of assault. Injured, however, does not name the petitioner before us as the principal assailant.
6. Noticeably, police did not take any step for the purpose of arresting the petitioner before us prior to filing the charge sheet.
7. In such circumstances, need for placing the petitioner in custody is not felt.
8. Consequently, we are inclined to grant anticipatory bail to the petitioner.
9. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
10. Prayer for anticipatory bail of the petitioner is **allowed**.
11. **CRM (A) 930 of 2025** is **disposed of**.

(Debangsu Basak, J.)

(Smita Das De, J.)

