

AD 4
November 26, 2025
Ct. 28
SG

Allowed

CRM(A) 854 of 2024

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Murutia Police Station Case No. 274 of 2023 dated 19.09.2023 under Sections 302/120B/34 of the IPC.

And

In the matter of:

Khodabaks Sekh @ Khodabaksa Sk.

... petitioner

Mr. Niladri Sekhar Ghose
Mr. Debarshi Brahma
Mr. Subarna Bank

... for the petitioner

Mr. Amajit De

... for the CBI

Report filed by the CBI is taken on record.

Learned counsel for the petitioner submits that the petitioner stands on the same footing as one Mohan Mondal, who was granted anticipatory bail by an order of a Division Bench of this Court dated 14.12.2023 in CRM(A) 4531 of 2023. The order was affirmed by the Hon'ble Apex Court. By the same order, the CBI was directed to take over the investigation of the case. It is pertinent to mention that the wife of the victim claimed that it was a case of custodial death. She moved a writ petition before this Court and this Court directed registration of an FIR and investigation by the CBI. At the very same time, the family members of the present petitioner were falsely implicated in this case by the investigating officers of the State. It is another thing that subsequently the case was taken up by the CBI as per Court's direction.

Learned counsel for the the CBI opposes the prayer for anticipatory bail and refers to the statements of witnesses recorded before the learned Magistrate referring to certain earlier incident.

So far as those statements are concerned, the petitioner stands on the same footing as one was granted anticipatory bail.

Considering the above and the other materials available in the case diary, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of like amount each, one of whom must be local, 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 BNSS, 2023 and on the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer as and when required, shall not go abroad without leave of the jurisdictional court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)