

AD 28
April 4, 2025
Ct. 28
SG

Allowed

CRM(A) 1094 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Tehatta P.S. Case No.147 of 2025 dated 26.02.2025 under Sections 110/117(2)/329(4)/351/303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: *Bhaskar Mandal @ Mondal and another*
... *petitioners*

Mr. Asraf Mandal

... for the petitioners.

Ms. Minoti Gomes

Mr. Atulya Sinha

... for the State

Learned counsel appearing for the petitioners submits as follows. The petitioners are not the prime accused in this case. There is a dispute between two families which has resulted in the unfortunate incident. FIR was lodged after six days of the date of occurrence.

Learned counsel for the State opposes the prayer, relies on the case diary and submits as follows. As per the injury report, there was a grievous injury inflicted on the victim. There was a fracture in the seventh right rib of the victim. She refers to the statements of the witnesses recorded by the investigating officer as well as recorded before the learned Magistrate. The wife of the victim has taken the names of all the accused.

From a careful perusal of the case diary, it appears that according to the statements of the injured victim the main blow on the head of the victim was given by one Prakash Pramanick.

In view of the role ascribed to the present petitioners in the commission of the alleged offences and particularly, considering the statements of the injured victim recorded by the police, I do not think that custodial interrogation of the present petitioners is required in this case.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each 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 no. 1 shall meet the investigating officer of the case once a fortnight till submission of report in final form and the petitioners shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)

