

AD 37
April 4, 2025
Ct. 28

SG

Reject

CRM(A) 1104 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dhubulia P.S. Case No.115 of 2025 dated 17.03.2025 under Sections 126(2)/118(2)/109/76/3(5) of the BNS, 2023.

And

In the matter of: *Shyamal Ghosh and others*

...
petitioners

Mr. Avijit Ganguly

... for the petitioners.

Mr. Sandip Chakraborty
Ms. Parvej Anam

... for the State

Learned counsel appearing for the petitioners submits as follows. The instant case is fallout of a dispute between neighbours. There are a case and a counter case. The petitioners' case was registered first. Both the sides suffered injuries. The petitioners are not the prime accused in this case.

Learned counsel for the State opposes the prayer, relies on the case diary and submits that as per the injury report the victim suffered stab injuries over scalp and right thumb, which had cut. The victim's statement could not be recorded. He is an accused in the counter case.

However, from the statement of the eye-witness, albeit a related one, it appears that the petitioners and the others

caught hold of the victim while the prime accused Kartick Ghosh @ Raju Ghosh gave a blow with a weapon, which caused the injury. According to him, a finger was cut off. The anticipatory bail of the prime accused has been rejected.

Considering the statement of the eyewitness and the injury report of the victim, I am not inclined to grant anticipatory bail to the present petitioners.

In view of the above, the prayer for anticipatory bail is rejected.

(Jay Sengupta, J.)