

10.04.2025
Court No.28
Item No.11
tbsr
Allowed

CRM (A) 1123 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Criminal Procedure Code/482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Khejuri** P.S. Case No.**0563 of 2023** dated **06.09.2023** under Sections **188 / 147 / 148 / 149 / 186 / 447 / 323 / 325 / 332 / 353 / 427 / 506 / 120B** of the Indian Penal Code read with Section 9 of maintenance of Public Order Act read with Section 3 of the Prevention of Damage to Public Property Act, 1984 read with Section 3/4 of Essential Commodities Act.

And

In the matter of: **Kishalay Bar & Ors.**

....Petitioners.

Mr. Rajdeep Mazumder, Sr. Adv.

Ms. Sagnika Banerjee

...for the petitioners.

Mr. Jaydeep Biswas

Ms. Puja Goswami

.....for State

Learned senior counsel representing the petitioners submits as follows. The petitioners were not named in the FIR. There is no grievous injury caused to anyone. A similarly circumstanced co-accused was granted anticipatory bail by a Division Bench of this Court in 27.03.2025 CRM (A) 1026 of 2025. The similarly circumstanced person was earlier granted anticipatory bail by the Division Bench on 27.03.2025 in CRM (A) 1025 of 2025.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits as follows. Although the petitioners were not named in the FIR, a charge sheet was been submitted in September, 2024. Since then the petitioners have been absconding. Assault was made on police officers.

Considering the injury report available in the case dairy and the fact that one accused who was substantially similarly circumstanced was granted anticipatory bail by a Division Bench of this Court, I am inclined to allow the application for anticipatory bail.

Accordingly, I direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further condition that the petitioners shall not threaten or intimidate witnesses and be present before the jurisdictional Court on dates fixed for hearing.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)