

08.04.2025
Sl. No.10
Ct. 28
Reject
NB

C.R.M. (A) 1125 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola P.S. Case No.1024 of 2024 dated 12.10.2024 under Sections 115(2)/118(2)/110/3(5) of the Bharatiya Nyay Sanhita, 2023 GR No.5021 of 2024, Chargesheet under Sections 110/115(2)/118(2)/3(5)/103 pending before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

In the matter of : Tohid Sk @ Tahid Sk.

... petitioner

Mr. Debajyoti Deb,
Ms. Somdyuti Parekh.
...for the petitioner.

Mr. Antirikhya Basu,
Ms. Eshita Dutta.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in the instant case. Incidentally, a co-accused standing on a worse footing was granted anticipatory bail by this Court. That other accused was the mother of the prime culprit.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the case diary and submits as follows. He refers to the statement of a witness recorded before the Magistrate. He has specifically taken only the name of the present petitioner and another as the main assailants. He also refers to a decision of the Hon'ble Apex Court passed in ***Tehseen S. Poonawalla Vs. Union of India & Ors.*** reported at 2018(9) SCC 501.

In view of the materials available in the case diary against the present petitioner, I am not inclined to grant anticipatory bail to the petitioner.

The application for anticipatory bail being **CRM(A) 1125 of 2025** is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)