

11.04.2025
Court No.28
Item No.22
tbsr

CRM (A) 1173 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Basirhat** P.S. Case No.**926 of 2024** dated **24.12.2024** under Sections **118(2)/3(5)** of the Bharatiya Naya Sanhita, 2023.

And

In the matter of: **Nasima Begam @ Simla & Anr.**

....Petitioners.

Mr. Kallol Kumar Basu

Md. Jannat ul Firdous

Mr. Rajsekhar Hota

...for the petitioners.

Mr. Ashok Das

.....for State.

Mr. Balaram Sarkar

Mr. Sagnik Bhattacharya

Md. Sahinurzaman

....for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. A scuffle took place between two groups of neighbours. In fact, the de facto complainant and his associates came and severely assaulted the petitioners and other family members. The handicapped daughter was molested. However, the de facto complainant managed to file their FIR first. Soon thereafter, the petitioners lodged their FIR. Reference is made to the injury reports for the injuries suffered by the petitioners' side.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the incident took place on a road near a tailoring shop and it was the petitioners who came and assaulted the victim.

Learned counsel appearing on behalf of the State relies on the case diary and opposed the prayer for anticipatory bail. He refers to the injury report and to the statements of independent eye witnesses as well as the victim. Both the eye witness and the victim stated that all the accused came and assaulted and there is no indication as to who gave the particular blow which resulted in the cut injury.

In view of the materials available in the case diary and the fact that there are case and counter case, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner No. 2 shall meet the investigating officer of the case once a week till the submission of a report in final form and the petitioners shall not threaten or intimidate witnesses and the petitioner no. 2 shall stay outside the jurisdiction of Basirhat Police Station for a period of two months from date.

The application is accordingly disposed of.

(Jay Sengupta, J.)