

11.04.2025
Court No.28
Item No.24
tbsr
Partly Allowed

CRM (A) 1175 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Balurghat** P.S. Case No.112 of 2025 dated **22.02.2025** under Sections **329(6)/115(2)/117(2)/74/103/3(5)** of the Bharatiya Naya Sanhita, 2023.

And

In the matter of: **Amal Murmu & Ors.**

....Petitioners.

Mr. Kaushik Choudhury

...for the petitioners.

Mr. A. Kesari

Mr. Raju Mondal

.....for the State.

Leave is granted to amend the cause title.

Learned counsel appearing on behalf of the petitioners submits as follows. The victim was 80 years old and was of frail health. There was an altercation that took place between the accused and the victim. However, the accused did not assault the victim and/or they are in no any way responsible for the death of the victim.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He points to the post mortem report and the statements of eye witnesses. According to the statement of an eye witness, whose statement is appearing at page 21 of the case diary, the petitioner no. 1 and 5 gave the fatal blows on instigation of unnamed other accused. However, on previous occasions all the accused had altercation and scuffle with the victim.

Considering the materials available in the case diary and the roles ascribed to each of the petitioners, I am not inclined to grant anticipatory bail to the petitioner no. 1 and the petitioner no. 5.

Accordingly, the prayer for anticipatory bail of the petitioner no. 1, Amal Murmu and the petitioner no. 5, Swapan Murmu is rejected.

However, in the event of arrest, the petitioner No. 2, Rumita Hasda @ Urmila Hasda, petitioner no. 3, Shimati Murmu and the petitioner no. 4, Hurki Hemram @ Churki Hemram 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 petitioner Nos. 2, 3 and 4 shall cooperate with investigation and shall not to threaten or intimidate witnesses.

The application is accordingly disposed of.

(Jay Sengupta, J.)