

16.04.2025
Court No.28
Item No.33
tbsr
Allowed

CRM (A) 1204 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 438 of the Code of Criminal Procedure in connection with **Gaighata** P.S. Case No.**1148 of 2021** dated **08.12.2021** under Sections **341/326/307/34** and adding Section 302 of the Indian Penal Code.

And

In the matter of: **Sukanta Biswas**

....Petitioner.

Mr. Akash Ganguly

Mr. S. Banerjee

...for the petitioner.

Ms. Amita Gour

Mr. Nirupam Dhali

.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was not named in the FIR. However, his name transpired after submission of charge sheet. But, there is no admissible material available against the present petitioner. Similarly circumstanced accused was granted anticipatory bail by a Division Bench of this Court on 13.05.2022 in CRM (A) 2164 of 2022.

Learned counsel appearing on behalf of the State relies on the case diary and submits that apart from the statement of a co-accused, there is no other incriminating material appearing against the petitioner.

Considering the materials available in the case diary, the fact that substantially similarly circumstanced co-accused was granted anticipatory bail earlier and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner 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 shall not threaten or intimidate witnesses and shall appear before the jurisdictional Court on the date fixed.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)