

05.05.2025
Court No.28
Item No.16
ssi

CRM (A) 1266 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Kaliyaganj PS Case No.**420 of 2024** dated **25.09.2024** under Sections **326 (8)/3(5)** of the BNS 2023.

And

In the matter of: **Mijanur Rahaman & another.**

....Applicants/Petitioners.

Mr. Ayan Bhattacharjee, Sr. Adv
Mr. Sharequl Haque
Ms. Mitul Hajra
Mr. Arpit Choudhury

...for the petitioners

Mr. Pravas Bhattacharya
Mr. Parvej Anam

..for the State

Learned senior counsel representing the petitioners submits as follows. In 2019, an FIR was lodged by the wife of the de facto complainant alleging that the petitioners had murdered of a family member. The trial is going on. On 11.09.2024, the petitioners were granted bail. The trial is getting delayed for no fault of the petitioners. In fact, in 2024 an application under Section 311 of the Code was filed to introduce 23 new witnesses. The petitioners came out on bail in connection with the earlier case of 14.09.2024. A prayer was made for cancellation of bail citing the present incident of alleged arson. The Division Bench by an order dated 26.03.2025 passed in CRM (DB) 3716 of 2024 with CRM (DB) 3527 of 2024 recorded that while there were family members who claimed to have seen the petitioners flee away from the place of arson, the independent witnesses did not

name them. After considering the materials available in the case diary, the application for cancellation bail was dismissed.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the statements contained therein and other materials including the statements of a civic volunteer who had allegedly come and rescued the victims.

In view of the order of a Division Bench of this Court rejecting the prayer for cancellation of bail of the petitioner in the murder case and considering the materials available in the case diary, I do not think that custodial interrogation of the petitioners are required in this case.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

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 conditions that till conclusion of the investigation, the petitioners shall meet the Investigating Officer of the case twice a week and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, disposed of.

The Investigating Officer of this case had appeared by this Court on 02.05.2025 pursuant to a this Court's direction, his appearance is dispensed with.

(Jay Sengupta, J.)