

24.04.2025

Item No.DL39
Court No. 28
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1305 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 filed in connection with Hogalberia Police Station case no.85 of 2025 dated 19.03.2025 under Sections 109, 117(2), 118(2), 329(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-and-

In Re : **1. SANJAY SHIL @ SANJOY SHIL**
2. SUJAY SHIL @ SIL
3. MENOKA SHIL @ SIL
4. SHIPRA SHIL @ MITHU SHIL

.....Petitioners

For the Petitioners :

Mr. Asraf Mandal
Mr. Tanbir Mandal

.....Advocates

For the De facto Complainant :

Mr. Aritra Kumar Thokdar

.....Advocate

For the State :

Mr. Bidyut Kumar Ray
Mr. Santanu Talukder

.....Advocates

Learned counsel appearing on behalf of the petitioners submits as follows. There are case and counter-case. In fact, the petitioner no.3 lodged a prior FIR against the other side. The petitioners were not responsible for the alleged crime. No grievous injury was received by any of the parties.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail and submits that the petitioners attacked the de facto complainant

in his house. The accused in the other case surrendered and obtained bail.

Learned counsel appearing on behalf of the State refers to the statements of witnesses and the injury report. The injury report does not show any grievous injury of any of the victims.

In view of the fact that there are case and counter-case and considering the nature of injuries inflicted, I do not think that the custodial interrogation of the petitioners is required.

Accordingly, the petitioners shall be released on bail upon furnishing bonds 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 subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that they shall meet the Investigation Officer of the case once a fortnight till submission of report in final form, cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM(A) 1305 of 2025** is, thus, **allowed**.

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.)