

28.04.2025
Court No.28
Item No.35
tbsr
Allowed

CRM (A) 1324 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 438 of the Code of Criminal Procedure, 1973 in connection with **Kotwali P.S. Case No.478 of 2023** dated **22.05.2023** under Sections **341/326/326A/34** of the Indian Penal Code.

And

In the matter of: **Tapan Sarkar & Ors.**

....Petitioners.

Mr. Kushal Kumar Mukherjee

Mr. Sayan Das

...for the petitioners.

Mr. Sanjoy Bardhan

Md. Kutubuddin

.....for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. Although the alleged incident took place on 15.03.2023, there was a delay of about 60 days in lodging the FIR. No corrosive substance was applied even as per allegations. This is a counterblast against the proceedings started from the side of the petitioners, *inter alia*, under Sections 498A, 326 of the Penal Code against the main accused, Biswajit Sarkar, who is victim herein.

Learned counsel appearing on behalf of the State submits as follows. There are statements of eye-witnesses and injury report available in the case diary. However, the injury report shows small superficial cuts without any active bleeding. The victim complained of burning sensation in the wound region and there was discoloration of inner mucus lower lip and tip of tongue.

It is for the learned trial court to finally decide whether there was any corrosive substance or the like applied. However, *prima facie*, it does not appear that the victim received grievous injuries.

In view of the materials available in the case diary, the fact that there is a prior case started by the other side, *inter alia*, under Section 498A of the Penal Code and that charge sheet has already been submitted, I am inclined to grant anticipatory bail.

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 condition that the petitioners shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)