

28/04/2025

D/L 64
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1353 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with G.R. case no. 451 of 2025 arising out of Khanakul police station case no. 174 of 2025 dated 9.3.2025 under sections 126(2)/115(2)/117(2)/329(4)/109/351(3)/76/352/3(5) of the BNS.

In the matter of: Nasiruddin Khan @Nasir Ali khan &
Ors.

... Petitioners

Mr. N. S. Ghosh
Ms. S. Chatterjee
Ms. L. Sikdar
Mr. S. Dey

...for the petitioner.

Mr. Adil Badr
Mr. Kutubuddin

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. There are case and the counter case over the same incident. Both sides received injuries.
2. Learned counsel appearing for the State submits that a prima facie case is made out from the statements of witnesses including independent eye-witnesses and the injury report. The main assailant was the petitioner no. 1.
3. In view of the materials available in the case diary and the roles ascribed to each of the accused, while I am inclined to grant anticipatory bail to the petitioner nos. 2 (Jahiruddin Khan @ Jahir Ali Khan) and 3 (Karima

Khatun @ Bulti Begam), the prayer for anticipatory bail of petitioner no. 1 stands rejected.

4. In the event of arrest, the petitioner nos. 2 and 3 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 further conditions that the said petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses.
5. Accordingly, the application for anticipatory bail is allowed-in-part.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)