

29/04/2025

D/L 37
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1363 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 Uluberia police station case no. 5 of 2025 dated 3.1.2025 registered for investigation into the offences punishable under Sections 126(2)/124(2)/117(2)/351/3(5) of the BNS.

In the matter of: Pintu Mondal @ Sushil Mondal

... Petitioner

Mr. Soumya Basu Roy Chowdhuri

...for the petitioner.

Ms. Sayanti Santra

Ms. S. Sultana

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. The victim used to create disturbance in the locality after getting drunk. On the fateful day, the victim tried to break open the door of the petitioner's house. He attacked the petitioner and others with an iron rod. To save themselves, the petitioners threw hot water towards him. He fell down, was hit by an electric pole and got injured. The FIR was lodged after about 28 days by way of an application before the learned Magistrate.
2. Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. A charge-sheet has been submitted. It appears from the statement of a local independent witnesses that the victim tried to forcibly enter into the petitioner's house. A co-accused threw hot water. Thereafter, the victim got hit with an

electric pole and received injury. As per the history given by the patient as recorded in the injury report, it was a co-accused who threw the acid in question.

3. The injury report also shows that there was a smell of alcohol present in the patient's mouth.
4. In view of the materials available in the case diary including the statements of independent witnesses and the role ascribed to the present petitioner, I do not think that custodial interrogation of the petitioner is required in this case.
5. In the event of arrest, the petitioner 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 petitioner shall not threaten or intimidate witnesses.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)