

06.05.2025
SL.19
Ct.No.28
NB
(Allowed)

CRM (A) 1450 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 in connection with Md Bazar P.S. Case No.84 of 2025 dated 25.02.2025 under Sections 126(2)/115(2)/117(2)/109/351(2)/3(5) of the Bharatiya Nyay Sanhita, 2023.

And

In the matter of : Sekh Saber Ali @ Sk. Saber Ali & Ors.
... petitioners

Mr. Saswata Gopal Mukherjee Id.Sr.Adv.,
Ms. Debadrita Mondal,
Ms. Sudeshna Chanda.
...for the petitioners.

Ms. Manisha Sharma,
Mr. Rajesh Jana.
...for the State.

Ms. Sneha Srivastava
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits that the case arose out of a scuffle that broke out between two groups of people. No grievous injury was received by anyone.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the petitioners suddenly attacked the victim without any rhyme or reason.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the injury report and the

statements of local witnesses. It does not appear that the injury was grievous in nature.

Considering the nature of injury and the fact that such assault has been generally attributed to all the petitioners, I do not think that custodial interrogation is required in this case.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall not threaten or intimidate witnesses or tamper with evidence and they shall meet the Investigating Officer once a week till submission of charge sheet and shall stay outside the jurisdiction of Md Bazar Police Station for a period of six months from this date except for the purpose of attending the jurisdictional Court or for meeting the Investigating Officer.

The application for anticipatory bail being **CRM(A) 1450 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.)