

07.05.2025
Court No.28
Item No.32
tbsr
Allowed

CRM (A) 1506 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Arambagh** P.S. Case No.154 of 2025 dated 18.03.2025 under Sections **329(3)/329(4)/115(2)/117(2)/303(2)/352/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Mithun Ali Khan**

....Petitioner.

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Ms. Labani Sikder
Mr. Souvik Dey

...for the petitioner.

Mr. Anwar Hossain
Mr. Prakash Mishra

.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The main dispute between the private parties was non-payment of wages. A scuffle ensued. Both sides received injuries. Some other co-accused were granted anticipatory bail, but the petitioner's prayer was rejected.

Learned counsel appearing on behalf of the State opposes the prayer the anticipatory bail and relies on the statements of the witnesses including the victims and the two injury reports. It appears that present petitioner was the main accused who attacked the victim with a blade. However, theft is the only non-bailable provision imputed.

In view of the materials available in the case diary and the fact that theft is purportedly the only non-bailable charge in this case,

although I am inclined to grant anticipatory bail to the petitioner, his movement would be restricted for a limited period.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner shall not threaten or intimidate witnesses and shall co-operate with investigation and shall meet the I.O. once a fortnight till submission of report in final form and shall stay outside the jurisdiction of Arambagh Police Station for a period of six months, except for meeting the Investigation Officer or attending the jurisdictional Court.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)