

C.R.M. (A) 1519 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hemtabad Police Station Case No.306 of 2024 dated 27.11.2024 under Sections 126(2)/ 115(2)/ 118(1)/ 117(2)/ 109(1)/ 74/ 351(3)/ 3(5) of the Bharatiya Nyaya Sanhita, 2023;

And

In Re: **Madhay Sarkar @ Madhai Sarkar & Others**

... Petitioners

Mr. Kunal Ganguly, Adv.

...for the Petitioners

Mr. K. Kundu, Adv.

Mr. D. Ghosh, Adv.

...for the State

Although one injury report mentions that there was a grievous injury “at present”, it is not clear as to why the injury was mentioned as grievous.

Considering the nature of injuries inflicted and the statements of the local witnesses, I do not think that custodial interrogation of petitioners is required in this case. However, movement of the petitioners ought to be restricted for a limited period.

In the event of arrest, the petitioners 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 petitioners shall co-operate with the investigation and shall meet the I.O. once a week till submission of report in final form, shall not threaten or intimidate witnesses and shall stay outside the

jurisdiction of Hemtabad Police Station for period of six (6) months except for meeting the I.O. or attending the jurisdictional Court.

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.)