

13/05/2025
D/L 47
Ct. No.28
S.Kundu
Partly Allowed

C.R.M.(A) 1525 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 Dadpur police station case no. 91 of 2025 dated 29.3.2025 under Sections 329(3)/126(2)/115(2)/117(2)/109/76/352/351(2)(3)/3(5) of the BNS.

In the matter of: Bikash Santra & Ors.

... Petitioners

Mr. Mahfuzus Salam Molla

...for the petitioners.

Ms. Manisha Sharma

Mr. Debadrita Mondal

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. There was a scuffle between two groups of neighbours. Both sides suffered some injuries, but no grievous injury was caused to the victim. The petitioner's GD entry was lodged first.
2. Learned counsel appearing for the State relies on the case diary and opposes the prayer for anticipatory bail. She refers to the statements of witnesses including the injured and the locals as also on the injury reports. According to the victim, not only did the petitioners physically assault the victim, they threw away an eight year old girl in the pond. She did not know how to swim, but was somehow rescued. The statements of neighbours contain the names of the petitioner no. 1, 2 and 3, but not the names of the rest of the petitioners.

3. In view of the incriminating materials available in the case diary and the fact that the petitioner nos. 1, 2 and 3 have been named in the statements of the witnesses, I am not inclined to grant anticipatory bail to the said petitioners. Accordingly, their prayer for anticipatory bail is rejected.
4. However, considering the materials on record and the alleged role ascribed to each of the petitioner, I am inclined to grant anticipatory bail to the petitioner nos. 4 (Godadhar Adak), petitioner no. 5 (Karuna Adak), petitioner no. 6 (Chhabi Adak) and the petitioner no. 7 (Mira Adak).
5. In the event of arrest, the petitioner nos. 4, 5, 6 and 7 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. The said petitioners shall meet the I.O once a week till submission of report in final form.
6. Accordingly, the application for anticipatory bail is allowed-in-part.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)