

14.05.2025
Court No.28
Item No.39
ssi

CRM (A) 1544 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Saktipur PS Case No. **299 of 2024** dated **01.12.2024** under Sections **126 (2)/117(2)/118(2)/109(1)/103(2)/3 (5)** of the BNSS.

And

In the matter of: **Sidhu Ghosh**

....Applicant/Petitioner.

Mr. Arnab Chatterjee
Ms. D. Biswas
Ms. Poulami Bose

....for the petitioner

Mr. Navanil De
Mr. Srinjan Ghosh

...for the de facto complainant

Ms. Subhasree Patel
Mr. Kaustav Banerjee

..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. A scuffle took place during distribution of 'prosad' in connection with a "puja". A co-accused who standing on the same footing was granted anticipatory bail and two others were granted bail.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. The statement of a victim recorded before a learned Magistrate clearly takes the petitioner's name as one of the accused. While the statement does not take the name of the other co-accused Asim Ghosh who was granted anticipatory bail. Another witness being an injured victim had alluded to all the accused. However, the injured victim did not specifically take any name and stated that the accused had

inflicted the injury. Proclamation and attachment have been issued against the present petitioner.

Considering the serious nature of allegations, the fact that the petitioner is not standing on the same footing as Asim Ghosh who was granted anticipatory bail, in as much as, a statement of an eye-witness mentioned the name of the present petitioner and not that of the said Asim Ghosh and the fact that proclamation and attachment have been issued against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail to the petitioner is rejected.

(Jay Sengupta, J.)