

15.05.2025
Court No.28
Item No.25
tbsr
Allowed

CRM (A) 1561 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 438 of the Code of Criminal Procedure, 1973 in connection with **Chanchal** P.S. Case No.**1457 of 2023** dated **26.10.2023** under Sections **307/325/448/34** of the Indian Penal Code, 1860.

And

In the matter of: **Daud Khan & Anr.**

....Petitioners.

Mr. A. Ghatak
Mr. S. Ghosh
Ms. Swastika Chowdhury
...for the petitioners.

Mr. Arindam Sen
Mr. Bikram Mitra
.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. It is alleged that the petitioners and about 15 more accused persons attacked the victim with the iron rods and sharp cutting weapons and mercilessly beat him. But, the injury reports would not support such allegation. Except five, all the other accused were granted bail. This case is actually a counter-blast to an earlier FIR lodged by the petitioner no. 2. Investigation is going on in that case. Charge sheet has been submitted in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and relies on the statements of witnesses including the injured and local ones. He also relies to the injury report. There was a cut injury over the scalp of the victim.

Considering the nature of allegations and the fact that charge sheet has already been submitted in this case, I do not think that custodial interrogation of the petitioners is not required in this case.

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 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 petitioners shall not threaten or intimidate witnesses and shall stay outside the jurisdiction of Chanchal Police Station for a period of six weeks from this date except for meeting the I.O. or attending the jurisdictional Court and shall attend the jurisdictional Court on dates fixed.

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.)