

15.05.2025

Item No.DL26
Court No. 28
Asraf, AR(Ct.)

**Allowed
in-Part**

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. **CRM (A) 1562 of 2025**

In Re : *An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kalyani Police Station case no.180 of 2025 dated 01.03.2025 under Sections 126(2), 115(2), 117(2), 118(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.*

-AND-

In the matter of :

- 1. BIMAL DAS**
- 2. MALINA** alias **MILONI DAS**
- 3. SUBRATA** alias **SUBHA DAS**

.....Petitioner

For the Petitioners :

Mr. Shibaji Kr. Das
Mr. Dipendu Sarkar
Ms. Deblina De
Mr. Kaushal Kumar

.....Advocates

For the State :

Mr. Ashok Das

.....Advocate

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the father, the mother and the brother of the principal accused. Over the issue of parking of a motorbike, scuffle took place between two groups of persons. Although the petitioners were attacked first, their FIR was registered later. Both sides suffered injuries. The allegation of assault is against one Subir who has been granted bail. Chargesheet has been submitted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He points to the statements of neighbours

who are the eye-witnesses and to the injury report. It appears that injury was inflicted on vital parts of the body. It is alleged that the petitioner no.3 caught hold of the victim while the co-accused Subir gave the blows.

Considering the serious nature of allegations and the alleged roles ascribed to each of the petitioners while I am inclined to grant anticipatory bail to the petitioner nos.1(Bimal Das) and 2(Malina alias Miloni Das) and the prayer for anticipatory bail of petitioner no.3(Subrata alias Subha Das) is rejected.

Accordingly, the petitioner nos.1(Bimal Das) and 2(Malina alias Miloni Das) shall be released on bail upon furnishing bonds 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 subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that they shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall attend the jurisdictional Court on the dates fixed.

The application for anticipatory bail being **CRM (A) 1562 of 2025** is, thus, **allowed in-part**.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)