

21.05.2025
Court No.28
Item No.35
ssi

CRM (A) 1664 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Palashipara PS Case No.**203 of 2025** dated **01.05.2025** under Sections **109/118(2)/329(4)/351 (2)/76/3(5)** of the BNS 2023.

And

In the matter of: **Irfan Sk @ Erfan Sk & others.**

....Applicants/Petitioners.

Mr. Kallol Mondal, Sr. Adv
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Anamitra Banerjee

...for the petitioners

Mr. Asraf Mondal

...for the de facto complainant

Mr. Pravash Bhattacharya
Ms. Rajashree Tah

..for the State

Learned senior counsel representing the petitioners submits as follows. The present FIR is fallout of a land dispute between two groups of neighbours. There is an old dispute which has led to altercations and scuffles of and on. The victim had suffered an accident some time ago. Using such earlier injury as a tool, he has filed the instant FIR.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the victim suffered a grievous injury.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on statements of witnesses and the injury report, which does not show any grievous injury. However, from an x-ray report, it would appear that there was a displaced

fracture clavicle/3rd ? old. The x-ray, therefore, shows that the displaced fracture could be an old injury.

Considering the materials available in the case diary including the x-ray report present at page 24 of the case diary, I am inclined to grant anticipatory bail to the petitioners.

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 conditions that the petitioners shall not threaten or intimidate witnesses and shall co-operate with investigation. The petitioner nos. 1, 2 and 3 shall meet the I.O. once a week till submission of charge sheet.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)