

22.05.2025
SL.21
Ct.No.28
NB

CRM (A) 1668 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 in connection with Amta P.S. Case No.40 of 2025 dated 13.03.2025 under Sections 126(2)/118(2)/109/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

And

In the matter of : Basanti Malick & Ors.

...petitioners

Mr. Ali Ahasan Alamgir,
Mr. Syed Uj Jaman,
Mr. Minaraj Khan,
Ms. Rabiya Khatoon.
...for the petitioners.

Mr. Imran Ali,
Mr. Tirthankar Dhali.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. A fight ensued between the neighbours over the issue of digging a well. The petitioner no.1 is a young woman having a 8 months old child. The petitioner no.3 is physically handicapped having three fingers less in one hand. The husband of the petitioner no.1 who was the principal accused and another accused were both arrested. They are on bail at present. On the very next date, the other side came, retaliated and assaulted the petitioners especially the husband of the petitioner no.1.

Learned counsel appearing on behalf of the State relies on the case diary including statements of witnesses and the injury report of

one Samir Malick. It appears that a serious injury was inflicted on the forehead and back of the head, a vital part of the body by sword and rod by three persons namely Uttam Malick, Tapan Malick and Prasun Malick.

Considering the nature of allegations and the materials available in the case diary and the alleged roles ascribed to each the petitioners, I am not inclined to grant anticipatory bail to the petitioner no.3 (Uttam Malick) The application for anticipatory bail of the petitioner no.3 is rejected.

However, the prayer for anticipatory bail of the petitioner no.1 (Basanti Malick) and the petitioner no.2 (Maya Malick) is allowed.

Accordingly, in the event of arrest, the petitioner no.1 (Basanti Malick) and the petitioner no.2 (Maya Malick) 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses and to cooperate with the investigation.

The application for anticipatory bail being **CRM(A) 1668 of 2025** is, thus, partly allowed.

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.)

