

AD 43
May 22, 2025
Ct. 28
SG

Reject

CRM(A) 1718 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Debra P.S. Case No.537 of 2024 dated 16.08.2024 under Sections 85/103(1)/3(5) of the BNS, 2023 and Sections 3/4 of the D.P. Act.

And

In the matter of:

Sk. Serajuddin @ Sekh Serajuddin and another
... petitioners

Mr. Dipankar Aditya
Ms. Rubina Akhtar

... for the petitioners

Mr. Saryati Datta
Ms. Rajnandini Das

... for the State

This is a second application for anticipatory bail.

As charge-sheet has been submitted omitting Section 302 of the Penal Code, a charge contained in the FIR, there is a material change in circumstances and as such, a second application is maintainable.

Learned counsel for the petitioners submits that the petitioners are not responsible for the death of the victim. Other co-accused were granted anticipatory bail while the petitioners' prayer was rejected. The petitioners were not there when the incident took place.

Learned counsel for the State relies on the case diary and refers to the statement of the de facto complainant recorded before the learned Magistrate and the post-mortem report.

It appears from the statements of witnesses contained in the case diary that the assault was primarily committed by the present petitioners.

In view of such specific overt act of the present petitioners in the assault and the other incriminating materials available in the case diary, I am not inclined to grant anticipatory bail to the petitioners.

The application for anticipatory bail is, thus, rejected.

(Jay Sengupta, J.)