

21.05.2025
Court No.28
Item No. 70
tbsr
Rejected

CRM (A) 1704 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Gangarampur** P.S. Case No.**205 of 2025** dated **04.04.2025** under Sections **126(2)/115(2)/117(2)/109(1)/74/351(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Tushar Das & Ors.**

....Petitioners.

Mr. Sekhar Basu, Sr. Adv.

Mr. Kausik Chowdhury

Mr. Rakesh Jana

...for the petitioners.

Mr. Anwar Hossain

Mr. Parvej Anam

.....for the State.

Mr. Asim Kumar Chakraborti

....for the de facto complainant

Leave is granted to amend the cause title.

Learned senior counsel appearing on behalf of the petitioners submits as follows. This case arises out of a dispute between two groups of villages. There is a case and a counter case. No one received any grievous injury.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the petitioners are habitual offenders.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that petitioners wanted to deter the other side from pursuing earlier

criminal cases filed by them. Against the petitioner no. 2, there are as many as twelve criminal cases pending, including under the Arms Act. As would be evident from statements of injured witnesses as well as independent witnesses, the petitioners attacked the victims with arms. A victim was assaulted with an iron rod. A co-accused put a pistol inside the mouth of the de facto complainant and threatened to shoot her. Injury reports show injuries inflicted on head.

Considering the serious nature of allegations and the incriminating material available in the case diary and that such acts were being committed to pressurize the other side from pursuing an earlier case, I do not consider this to be a fit case for granting anticipatory bail.

Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)