

23.05.2025
Court No.28
Item No.10
tbsr
Allowed

CRM (A) 1713 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tehatta** P.S. Case No.**424 of 2024** dated **14.06.2024** under Sections **341/326/307/354B/34** of the Indian Penal Code and 25/27 Arms Act.

And

In the matter of: **Mahabul Sardar**

....Petitioner.

Mr. Asraf Mandal
...for the petitioner.

Mr. Sanjoy Bardhan
Mr. Shashanka Shekhar Saha
.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. A fight took place between the two groups due to previous enmity and political reasons. Allegations were made against 30 to 35 accused. Several others similarly circumstanced co-accused were granted anticipatory bail by this Court.

Learned counsel appearing on behalf of the State relies on the case diary and submits that the petitioner has not been named by the injured victim or by the eye-witnesses, although the injured victim has clearly stated about the roles of the other accused in assaulting him.

Considering the materials available in the case diary, the alleged role ascribed to the present petitioner and the fact that some other similarly circumstanced co-accused were granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 condition that the petitioner shall cooperate with investigation and shall meet the I.O. once a fortnight till submission of charge sheet and shall not threaten or intimidate witnesses and shall stay outside the jurisdiction of Tehatta P.S. for a period of six months except for meeting the I.O. or attending the jurisdictional Court.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)