

AD 35
July 02, 2025
Ct. 28
SG

Allowed

CRM(A) 1868 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dadpur P.S. Case No.266 of 2023 dated 29.10.2023 under Sections 364A/506/34/379/411 of the IPC.

And

In the matter of:

Sk Mustak Ali @ Mustaque Akhun @ Mustque Akhun
... petitioner

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. Arpayan Mukherjee
Mr. Himadree Ghosh

... for the petitioner

Ms. Manisha Sharma
Mr. Nirupam Dhali

... for the State

Learned counsel for the petitioner submits that the petitioner was not specifically named in the statement made by the victim before the learned Magistrate. He is not even named in the FIR. He claims parity with a co-accused who was granted anticipatory bail as he was not named in the statement before the Magistrate. In fact, a person who was granted anticipatory bail by this Court was even named in the FIR.

Learned counsel for the State opposes the prayer for anticipatory bail.

In view of the fact that similarly circumstanced co-accused was granted anticipatory bail on 05.09.2024 in

CRM(A) 3110 of 2024 and another co-accused was also granted anticipatory bail on 05.02.2024 in CRM(DB) 103 of 2024, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall attend the jurisdictional court regularly and shall surrender before the jurisdictional court within four weeks and pray for bail and the petitioner shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)