

AD 34
July 10, 2025
Ct. 28
SG

Allowed

CRM(A) 1909 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bolpur P.S. Case No.75 of 2025 dated 13.02.2025 under Sections 329(3)/126(2)/117(2)/118(2)/109/3(5) of the BNS.

And

In the matter of:

Sahabaz Sk. @ Sk. Nur Mahammad and another
... *petitioners*

Ms. Minoti Gomes
Md. Hafiz Ali

... for the petitioners

Mr. Kaushik Kundu
Mr. Abhinaba Mukherjee

... for the State

Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Mr. Badrul Karim

... for the de facto complainant.

Learned counsel for the petitioners submits that as per the FIR the fatal blow that caused serious injury on the victim was caused by someone else. The said assailant viz. Hasem Ali surrendered before the trial court and finally obtained bail. There is no material available against the present petitioners regarding the scuffle took place between neighbours. There are case and counter case.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the victim lost eyesight in one of his eyes.

Learned counsel for the State relies on the case diary and points to the injury report and the statements of the victim and the

independent witnesses. It appears from the statement of the victim that the said accused Hasem Ali had given the blows to his eyes which caused the serious injury.

Considering the materials available in the case diary and the alleged role ascribed to the present petitioners and the fact that the charge-sheet has been submitted, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each 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 petitioners shall appear before the jurisdictional court and pray for bail within four weeks from this date, shall stay outside the jurisdiction of Bolpur Police Station for a period of six months except for meeting the investigating officer or attending the jurisdictional court and shall not tamper with evidence or 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.)