

04.07.2025
SL.40
Ct.No.28
NB
(Allowed)

CRM (A) 1931 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gazole P.S. Case No.90 of 2025 dated 25.01.2025 under Sections 111(3)/111(4)/179/180/61(2) of the Bharatiya Nyaya Sanhita, 2023 before the learned Chief Judicial Magistrate, Malda.

And

In the matter of : Dipankar Mandal

... petitioner

Md. Wasim Akram.

...for the petitioner.

Ms. Faria Hossain Id. APP.,

Ms. Mausumi Barker.

...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits that as against the petitioner, there is no credible evidence. He has been roped in as an accused in the charge sheet only on the basis of a statement of a co-accused, which is inadmissible in evidence.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, she submits that apart from the statement of the co-accused, there is no other incriminating material available against the present petitioner. There are no phone call records between the petitioner and any accused or any criminal antecedent of the petitioner. Charge sheet has been submitted.

Considering the fact that only material available against the present petitioner is the statement of a co-accused and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence and shall attend the jurisdictional Court regularly and he shall surrender before the Trial Court and pray for bail within four weeks from this date.

The application for anticipatory bail being **CRM(A) 1931 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)