

10.07.2025

Item No.53
Court No. 25
Sudipta

Allowed
In part

CRM (A) 2052 of 2025

In Re: An application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tamluk Police Station Case No. 445 of 2025 dated 05.06.2025 under Sections 329(4) / 115(2) / 117(2) / 109 / 324(4) / 303(2) / 351(2) / 189(2) / 3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Sk. Jamal Ali alias Sk Jamal & Ors.**

.....Petitioners

For the Petitioners :

Mr. Indranuj Dutta

Mr. Atanu Basu

Ms. Benazir Sk.

Mr. Sk. Motibul Rehman

.....Advocates

For the State :

Mr. Md. Anwar Hossain

Ms. Baishakhi Chatterjee

.....Advocates

1. Present petition has been filed for anticipatory bail.
2. Learned counsel for the petitioners states that as per the case of the prosecution, a group of people entered into the shop of the complainant's brother and used filthy languages and thereafter assaulted complainant's brother with iron rod with a view to kill him. The assailants allegedly damaged the LCD TV and other articles and took away cash from the shop of the complainant's brother and threatened them with dire consequences. Learned counsel for the petitioners submits that the names of the petitioner nos. 1 and 7, namely, Sk.

Jamal Ali @ Sk Jamal and Sk. Mustak Ahammed @ Sk Mustak Ahamed have appeared in the testimony of the injured. Learned counsel further submits that the names of petitioner nos. 3, 4, 6, 8 and 11 also appeared in the testimony of the alleged eye witnesses, namely, Jamshed and Ajijul. Learned counsel has fairly submitted that the names of the petitioner No. 5, 9 and 10, namely, Lal Mohan Karan alias Lal Mohan, Sk. Mojaffar Ali alias Sk. Mojaffar and Sk. Mofijul Islam have so far not appeared in the statements of prosecution witnesses.

3. However, learned counsel for the State has opposed the anticipatory bail application of the accused persons on the ground that the investigation is at initial stage and grant of anticipatory bail will hamper the investigation.
4. This Court has considered the submissions. The facts are alarming in nature. The investigation is at the initial stage. However, the Court considers that since the names of the petitioner No. 5, **Lal Mohan Karan alias Lal Mohan**; petitioner No. 9, **Sk. Mojaffar Ali alias Sk. Mojaffar** and petitioner No. 10, **Sk. Mofijul Islam**, have so far not appeared in the testimony of the prosecution witnesses, in event of arrest they will be admitted to bail on furnishing personal bond of Rs.5000/- with a surety of the like amount subject to the satisfaction of the Investigating Officer / Officer-in-Charge, Tamluk Police Station and on condition that the petitioners shall join the investigation as and when required by the I.O.

5. However, the anticipatory bail application of the remaining petitioners is rejected.
6. CRM (A) 2052 of 2025 is allowed in part and stands disposed of accordingly.
7. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Dinesh Kumar Sharma, J.)