

22nd July, 2025

Item No. DL 10
Court No. 25

Asraf, AR(Ct.)

ALLOWED

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Appellate Side

CRM (A) 2081 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 filed in connection with Chakulia Police Station case no.115 of 2025 dated 16.04.2025 under Sections 85, 118(2), 109, 60 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-and-

In the matter of :

1. MD. MAKHDUM RAZA
2. HASNAIN RAZA
3. HAMID RAZA

.....Petitioners

For the Petitioners :

Mr. Niladri Sekhar Ghosh
Mr. Nazar Chowdhury
Ms. Labani Sikder

.....Advocates

For the State :

Mrs. Manisha Sharma
Ms. Ankita Paul

.....Advocates

Learned counsel for the petitioners submits that daughter of the de facto complainant, namely, Nushrat was married to petitioner no.2. Learned counsel further submits that on the day of incident the victim was travelling on a motorcycle along with petitioner no.1, i.e., the brother of the husband and during that they met with an accident and the petitioners suffered injuries. Learned counsel for the petitioners submits that it was petitioner no.1 who took the injured to the hospital. The de facto complainant, i.e., the

father of the victim has unnecessarily given the colour of a conspiracy to the simple road accident.

Learned counsel for the State has shown the injury report to emphasize that the victim had suffered several injuries. Learned counsel further submits that the neighbours of the victim have also supported the version of the de facto complainant.

Admittedly the victim had suffered injury in a road accident. The fact that whether it was a conspiracy is a matter of investigation and trial, if any. The injuries are simple in nature.

Considering that and taking into account the facts and circumstances, let the petitioners join the investigation.

In the event, the Investigating Officer feels the necessity of effecting the arrest, the petitioners be admitted to anticipatory bail upon furnishing a bond of Rs.10,000/- with a surety of like amount to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that they shall cooperate with the investigation and shall meet the Investigation Officer of the case as and when required and they shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM(A) 2081 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.

(Dinesh Kumar Sharma, J.)