

22nd July, 2025

Item No. DL 15
Court No. 25

Asraf, AR(Ct.)

ALLOWED

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (A) 2097 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 Paikar Police Station case no. 219 of 2025 dated 29.04.2025 under Sections 126(2), 115(2), 117(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-and-

In the matter of :

1. MOSTAPHIZUR RAHAMAN @ BADAL SK
2. ALAMGIR HOSSAIN @ ALUMGIR SK

.....Petitioners

For the Petitioners :

Mr. Bitasoke Banerjee
Mr. Abdus Salam
Mr. Masooq Rahman

.....Advocates

For the State :

Mr. Imran Ali
Mr. Subham Bhakat

.....Advocates

Learned counsel for the petitioners submits that both the parties are neighbours and the present dispute took place on account of throwing of water. Learned counsel further submits that co-accused has already been admitted to bail by a Co-ordinate Bench of this Court vide order dated 16th July, 2025 in CRM(A) 2025 of 2025.

Learned counsel for the State has opposed the prayer for anticipatory bail. Learned counsel submits that the present

petitioners are the principal offenders. Learned counsel further states that the victim has suffered grievous injury on head.

It is matter of record that the present petitioners have also filed a complaint against the complainant party regarding the same incident. The injured after the treatment had already been discharged. Co-accused has been admitted to bail.

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) 2097 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.)**