

06.08.2025
Court No.28
Item No.32
ssi

CRM (A) 2304 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Baishnabnagar PS Case No. **962 of 2024** dated **11.09.2024** under Sections **329(4)/115(2)/64/351(2)/ 3 (5)** of the BNS, 2023.

And

In the matter of: **Bapan Mandal**

....Applicant/Petitioner.

Mr. Md. Wasim Akram

...for the petitioner

Mr. Amit Kr. Ghosh

...for o.p.no.2

Ms. Sayanti Santra

Ms. Ankita Paul

..for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. There is a long-standing dispute between the parties. Earlier, non-bailable offences were alleged against the present petitioners. They had to go and obtain bail. On a particular day, a marriage ceremony was going on at the petitioner's house. An altercation ensued as the victim's husband asked them to keep a space between the pandal and their house. The petitioner has not committed any offence as alleged. Standing on a worse footing, some co-accused were granted anticipatory bail by this Court on 04.07.2025 in CRM (A) 1930 of 2025.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the petitioner is a dangerous person creating havoc in the locality.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and relies on the case diary. The victim refused to undergo medical test.

Considering the nature of allegations, the materials available in the case diary, the prior enmity between the private parties and the fact that charge sheet has been submitted and considering the fact that substantially similarly circumstanced co-accused were granted anticipatory bail by this Court, 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 learned trial Court and pray for bail within four weeks from this date.

The application for anticipatory bail being CRM(A) 2304 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.)