

24.07.2025
Court No.28
Item No.43
tbsr
Allowed

CRM (A) 2309 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Criminal Procedure Code, 1973 in connection with **Ratua** P.S. Case No.**258 of 2019** dated **29.06.2019** under Sections **399 and 402** of the Indian Penal Code, 1860 read with Section **25(i)(a) and 27** of the Arms Act, 1959 charge sheet under Sections **399 and 402** of the Indian Penal Code, 1860 read with Section **25(1-B)(a)** of the Arms Act, 1959.

And

In the matter of: **Israful @ Israfil @ Sekh Israful & Anr.**

....Petitioners.

Mr. Anupam Das
Mr. Soupal Chatterjee
Ms. Sucheta Banerjee
Ms. Mekhla Kar
....for the petitioners.

Mr. Aniket Mitra
Ms. Chandreyi Dutta
...for the State.

Learned counsel appearing on behalf of the petitioners submits that the only material available against the petitioners is the statement of a co-accused.

Learned counsel appearing on behalf of the State submits that arms were recovered from some co-accused and some of the accused had fled away in the dark. There is no other material available in the case diary against the petitioners.

Considering the materials available in the case diary and the fact that charge sheet has been submitted, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to allow this application.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioners shall appear and pray for bail before the learned jurisdictional Court within four weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)