

13/08/2025

D/L 50

Ct. No.28

S.Kundu

Rejected

C.R.M.(A) 2414 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Galsi police station case no. 137 of 2025 dated 6.3.2025 under sections 126(2)/115(2)/117(2)/109(1)/76/351(2)/3(5) of the BNS.

In the matter of: AAA & Ors.

... Petitioners

Mr. Uday Sankar Chattopadhyay

Ms. Bidisha Chakraborty

Ms. Aishwarya Datta

Ms. Sadia Parveen

...for the petitioners.

Ms. Anindiya Auddy

...for the de-facto complainant.

Ms. Sreyashee Biswas

Mr. sharequl Haque

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits as follows. There are case and counter case. However, no one received grievous injuries.
2. Learned counsel appearing for the de-facto complainant opposes the prayer for anticipatory bail. She relies on a Discharge Certificate of one of the victims from a Government Hospital, which shows that apart from other injuries, the victim had suffered from splenic laceration and the spleen had to be removed by surgery. It is further submitted that the relevant documents were handed over to the Investigating Officer.
3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statements

of witnesses including ones recorded before the learned Magistrate as also the medical report. However, the Discharge Certificate in question was not there in the xerox copy of the case diary. Initially a copy of the case diary was handed over to the learned counsel of the State, which did not contain the Discharge Certificate of the victim in question. Subsequently, upon enquiry, the Investigating Officer handed over the original case diary, which contains the Discharge Certificate. Charge-sheet has already been submitted.

4. Considering the incriminating materials available in the case diary and the copy of the Discharge Certificate showing serious injury inflicted on vital parts of the body of the victim, I do not consider this to be a fit case to grant anticipatory bail to the petitioners.
5. Accordingly, the application for anticipatory bail is rejected.
6. Personal appearance of the Investigating Officer is noted and dispensed with.
7. It is indeed very unfortunate that for whatever reason a copy of the case diary was handed over to the learned counsel for the State which did not contain copies of valuable documents like Discharge Certificate of the victim showing serious injury. It was only when the Investigating Officer was asked to come with the case diary that this could be detected. It will be for the

appropriate authorities to decide whether to conduct any enquiry over this or not.

8. Let a copy of this order be sent to the DGP, West Bengal by Special Messenger.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)