

25.08.2025
Sl. No.48
NB

C.R.M. (A) 2633 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 in connection with Palashipara P.S. Case No.228 of 2025 dated 18.05.2025 under Sections 126(2)/103(1)/117(2)/118(2)/109/352/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Dulal Joarder @ Joardar ... petitioner

Mr. Debabrata Mondal,
Ms. Minoti Gomes,
Ms. Sonali Das,
Ms. Sreetama Neogi,
Mr. Chinmoy Mukherjee.
...for the petitioner.

Mr. Bibaswan Bhattacharya,
Ms. Suruchi Saha.
...for the State.

Ms. Sreetama Neogi
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. Two other petitioners were arrested and were granted bail. The postmortem report of the victim clearly states that the death was due to myocardial infraction.

Learned counsel appearing on behalf of the de facto complainant vehemently opposes the prayer for anticipatory bail. She submits that there were a number of injured. The victim deceased received injuries at the hands of the petitioners and thereafter passed away. Myocardial infraction may be, however, the immediate cause for death and due to receiving of injuries.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He relies on the statements of the injured victims and their injury reports as well as further statement of the doctor where he had corrected the gender of the victim deceased as wrongly mentioned in the postmortem report.

It is true that there is apparent contradiction between the postmortem report and the ocular versions given by the eye-witnesses including injured ones.

However, it also appears that the two other injured witnesses had received injuries on vital parts of the body like head and neck with iron rod and stick.

Considering the incriminating materials available in the case diary and the statements of the injured witnesses and other eye-witnesses and the injury reports, I do not consider this to be a fit case for granting anticipatory bail to the petitioner.

The application for anticipatory bail being **C.R.M. (A) 2633 of 2025** is, thus, rejected.

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.)