

09/09/2025

D/L 66

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2689 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 Pukhuria police station case no. 309 of 2025 dated 21.6.2025 under Sections 64(1)/117(2)/115(2)/3(5) of the BNS.

In the matter of: **XYZ**

... Petitioner

Mr. Amit Ranjan Pati

Mr. Sunayan Ghosh

Ms. K. Kubra

Mr. Anish Goswami

...for the petitioner.

Ms. Zareen Nasimakhan

Ms. Suruchi Saha

...for the State.

1. Report filed on behalf of the State is taken on record. The same be kept in a sealed cover.
2. Despite service no one appears on behalf of the de-facto complainant.
3. Learned counsel appearing for the petitioner submits as follows. The petitioner is the brother-in-law of the alleged victim. There is existing property dispute between the private parties. On 16.4.2025 a scuffle broke out between the de-facto complainant and the accused over the construction of boundary wall. Over the same issue on 30.5.2025 an FIR was lodged from the petitioner's side. As a counter blast, on 21.6.2025 the present FIR was lodged. Therefore, there is a delay of about two months in lodging the FIR.

4. Learned counsel appearing for the State relies on the case diary and opposes the prayer for anticipatory bail. She relies on the FIR lodged by the victim through an application under Section 175(3) of the BNSS, her statement before the Magistrate, the medical report and the statements of other witnesses.
5. Considering the delay in lodging the FIR, the fact that there are case and counter case between the parties and the other materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
6. In the event of arrest, the petitioner 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner shall meet the I.O once a week till submission of report in final form.
7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)