

11.08.2025
Item No.20
Ct. No. 446
RP
Allowed

C.R.M.(A) 2735 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 **English Bazar** Police Station Case No. **1659** of **2024** dated **13.11.2024** under Sections **109/115(2)/118(1)/118(2)/3(5)/329(4)/351(2)** of the Bharatiya Naya Sanhita pending before the Court of the Learned Chief Judicial Magistrate, Malda.

And

In the matter of : Biban Mandal @ Hiru Mandal

..... petitioner

Mr. Kalidas Saha
Ms. Khushi Mollick

....for the petitioner

Mr. Arindam Sen
Ms. Baishakhi Chatterjee

....for the State

1. It is submitted by the learned advocate for the petitioner that a longstanding family feud is existing between the parties over which civil disputes are also pending. It is further submitted that the petitioner has been falsely implicated in the case and he is no way connected with the same.
2. Learned advocate for the state raises objection.
3. Heard the submissions of both the learned advocates.
4. Perused the material available in the case diary as well as the statements made under Section 180 of BNSS coupled with the injury report. It further transpires that the role

attributed by the petitioner is not tallying with the nature of injury mentioned in the injury report. Therefore, considering these aspects and in view of complicity of the petitioner and the fact that rest of the accused, who have already surrendered before the Court, this Court is of the prima facie view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, this Court is inclined to grant anticipatory bail subject to fulfillment of certain conditions other than compliance of the conditions laid down in Section 482(2) BNSS.
6. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 482(2) of the BNSS and on further condition that the he shall appear before the investigating officer once in a week and in case of violation of any of such provision the prosecution will be at liberty to pray for cancellation of anticipatory bail granted without further reference to this Court.
7. This application for anticipatory bail is, thus, disposed of as allowed.

(Chaitali Chatterjee (Das), J.)

