

08.08.2025
Item No.67
Ct. No. 446
RP
Partly Allowed

C.R.M.(A) 2772 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 **Sagardighi** Police Station Case No. **487** of **2025** dated **17.06.2025** under Sections **329(4)/115(2)/117(2)/109/74/3(5)** of the Bharatiya Naya Sanhita pending before the Court of the Learned Additional Chief Judicial Magistrate at Jangipur, Murshidabad.

And

In the matter of : Rofik Sk @ Rofikul Islam & Ors.

..... petitioners

Mr. Arnab Chatterjee, Advocate

Ms. Dhanusree Biswas, Adv.

Ms. Poulami Bose, Adv.

....for the petitioners

Mr. Imran Ali, Advocate

Mr. Raju Mondal, Advocate

....for the State

1. Heard the submission of both the learned advocates.
2. Perused the case diary.
3. It is submitted on behalf the prosecution that the petitioner no.2 has been arrested. Accordingly, this petition for anticipatory bail is not maintainable against the petitioner no.2.
4. On careful perusal of the material available in the case diary and FIR as well as the statement under Section 180 of BNSS made by various witnesses prima facie it appears that there existed an old rivalry between the parties over which the alleged incident happened. Further, on perusal

of the injury report and considering the nature of injury sustained and the role attributed by the present petitioner nos.1, 3 and 4 this Court is of the view that specific incriminating materials are available against the petitioner no.1 for which his prayer for grant of anticipatory bail is rejected and the prayer for anticipatory bail of the petitioner nos.3 and 4 are allowed.

5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner nos.3 and 4 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 nos.3 and 4 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, 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 petitioner nos.3 and 4 shall not threaten the de facto complainant or try to tamper with the evidence and appear before the Court as and when necessary and in case of violation of any of such provisions 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 partly allowed.

(Chaitali Chatterjee (Das), J.)