

02/09/2025

D/L 42

Ct. No.28

S.Kundu

Rejected

C.R.M.(A) 2804 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 Khanakul police station case no. 627 of 2024 dated 19.10.2024 under sections 126(2)/115(2)/117(2)/76/324(2)/109/304(2)/352/3(5) of the BNS.

In the matter of: **Sushanta Mondal & Anr.**

... Petitioners

Mr. Soumya Banerjee

Ms. S. Banerjee

...for the petitioners.

Mr. Sandip Chakraborty

Ms. Kanchan Roy

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits that there are case and counter case. Injuries were suffered on both sides. The petitioners started the first case, *inter alia*, under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. Learned counsel appearing for the State strongly opposes the prayer for anticipatory bail. The petitioners are the main accused who committed the assault and the molestation. From the injury report, it appears that assault was made on vital parts of the body like face, eyes. It appears that there were number of accused in this case. Others were granted anticipatory bail.

However, the prime allegations are against the present petitioners only.

3. Considering the incriminating materials available in the case diary including the statements of witnesses and the injury report and the alleged role ascribed to the present petitioners, I do not consider this to be a fit case to grant anticipatory bail to the petitioners.
4. Accordingly, the application for anticipatory bail is rejected.
5. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)