

AD 43
September 12, 2025
Ct. 28
SG

Partly Allowed

CRM(A) 2932 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haroa P.S. Case No.557 of 2024 dated 05.12.2024 under Sections 126(2)/117(2)/118(2)/109/76/351(3)/3(5) of the BNS, 2023.

And

In the matter of:

Alim Dhali alias Abdul Alim Dhali and others
... petitioners

Mr. Angshuman Chakraborty
Mr. S.S. Saha
... for the petitioners

Ms. Sonali Bhar
... for the State

Mr. Satadru Lahiri
Mr. Ponlam Dey
Mr. syed Wasim Faruque
... for the de facto complainant

Learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated in this case. There were 31 FIR named accused. About 27 accused out of them were charge-sheeted.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel for the State strongly opposes the prayer for anticipatory bail and submits that as would be evident from the statements of the two victims that they had specifically taken the names of the petitioner Nos.1, 2 and 3 as assailants. The same is the case of eyewitnesses. It appears that both the victims suffered fracture injuries, one on the leg and the other on the head. A charge-sheet has been submitted.

Considering the serious nature of allegations, the materials available in the case diary and the alleged role ascribed to each of the petitioners, I am inclined to grant anticipatory bail to the petitioner Nos.4 and 5, while the application for anticipatory bail of the petitioner Nos.1, 2 and 3 (Alim Dhali alias Abdul Alim Dhali, Chhalauddin Dhali and Selim Molla) is rejected.

In the event of arrest, the petitioner Nos.4 and 5 (Ahad Ali Molla and Abul Khayer Goldar) shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on the further conditions that the petitioner Nos.4 and 5 shall surrender before the learned jurisdictional court and pray for bail within four weeks from this date and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)