

25.08.2025
SL.298
Ct.No.28
NB

CRM (A) 2972 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 Khatra P.S. Case No.46 of 2025 dated 13.06.2025 under Sections 191(2)/191(3)/121(1)/121(2)/132 of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Santanu Singh @ Singha & Ors.

... petitioners

Mr. Moyukh Mukherjee,
Mr. Arkaprabho Roy.
...for the petitioners.

Ms. Baishali Basu,
Mr. Subhajit Chowdhury.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners were protesting against the certain atrocities committed by the police. A scuffle broke out between them and the members belonging to the ruling political dispensation of the State. The police intervened. But, no one suffered grievous injury. While the petitioners were hauled up as accused in the instant case, no criminal case whatsoever was started against the assailants belonging to the ruling political party of the State.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She relies on the case diary including the statements of witnesses and the injury reports. A video of the incident has also been seized. The petitioners, in fact, are having criminal antecedents.

It is surprising indeed that a case was started only against one of the two groups that went for a scuffle.

At this stage, learned counsel appearing on behalf of the State, upon instruction from the instructing police officer, submits that a complaint has been received from the other side as well.

Although a charge of grievous injury on a public servant has been imputed, the injury reports do not show inflicting of any grievous injury. It refers to physical assault, as stated by the patient and pain and also refers to some quarrel with a mob.

Considering the materials available in the case diary including the injury reports concerned and the fact that there are allegations and counter allegations between two groups of people, I do not think that custodial interrogation of the petitioners are required in this case and I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioners 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses and the petitioners shall meet the Investigating Officer once a fortnight till submission of report in final form.

The application for anticipatory bail being **CRM (A) 2972 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)