

11.11.2025
Court No.28
Item No.30
ssi

CRM (A) 3186 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Chapra PS Case No. **95 of 2025** dated **29.01.2025** under Sections **329(3)/118(2)/109/103/3(5)** of the BNS, 2023 read with Sections 25/27 of the Arms Act, 1959 read with Sections 3 /4 of the Explosive Substances Act.

And

In the matter of: **Hafijaddin Mallick @ Hafijuddin Mallik @ Hapi Mallick & others.**

....Applicants/Petitioners.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. S. P. Chattopadhyay
Mr. Arjun Samanta
Mr. S. Nandi

...for the petitioners

Mr. Soumik Ganguly
Ms. Kanchan Roy

..for the State

Learned senior counsel appearing on behalf of the petitioners submits as follows. Although the petitioners were named as accused in the FIR by a person who was not an eye-witness to the incident, the names of the petitioners were not taken by any of the eye-witnesses. One eye-witness, who had taken the petitioners' name in his statement recorded by the police, did not mention such names in a statement made before the learned Magistrate. Effectively, there is no admissible incriminating material available against the present petitioners. The principal accused in this case have been granted bail after a few days of custody.

Learned counsel for the State opposes the prayer for anticipatory bail. Charge sheet has been submitted against the accused and a prima facie case is made out against all the accused. However, as

against the petitioners, the only material available is the FIR and the statement of an eye-witness before the police who, however, later on did not take such name before the learned Magistrate.

Considering the above, the other materials available in the case diary, the alleged roles ascribed to the present petitioners, the fact that charge sheet has been submitted and that the principal accused are on bail, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, the application for anticipatory bail of the petitioners is allowed.

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 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 further conditions that the petitioners shall not threaten or intimidate witnesses or tamper with evidence and they shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly.

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

The presence of the I.O. is noted and is dispensed with.

(Jay Sengupta, J.)