

03.11.2025
SL.36
Ct.No.28
NB

CRM (A) 3203 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 English Bazar P.S. Case No.792 of 2025 dated 23.04.2025 under Sections 126(2)/118(2)/103/109/238/351(2)/232(1)/61/49/206/3(5) of the BNS, 2023.

And

In the matter of: Biplab Mandal @ Biplob Mandal @ Kalu
... petitioner

Mr. Sourav Chatterjee Sr. Adv.,
Mr. Soumya Nag,
Mr. Moyukh Majumder.
...for the petitioners.

Mr. Kaushik Kundu,
Ms. Mamata Jana.
...for the State.

Learned senior counsel representing the petitioner submits as follows. The petitioner is a functionary of the political party in opposition in the State. That is why he has been falsely implicated in this case. The prime accused who had allegedly committed the offence were all arrested and granted bail. The present petitioner is in no way connected with the alleged offence.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary and refers to the statements of three local witnesses who had taken the names of the petitioner.

From a careful reading of the three similar statements, it appears that the witnesses stated that the prime accused had told about this incident to the petitioner and another who had asked them to wash the

blood and that they would see to the matter. Thereafter, the witnesses say that these were what they heard from the prime accused. This would ordinarily imply that the said individuals did not see, but only heard about such conversation from a co-accused.

Considering the above and the other materials available in the case diary, the alleged role ascribed to the present petitioner, that the prime accused were arrested and were granted bail and the fact that charge sheet has been submitted, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner shall not threaten or intimidate witnesses or tamper with evidence and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall regularly attend the jurisdictional Court.

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

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.)