

03.11.2025
Court No.28
Item No.40
tbsr
Allowed

CRM (A) 3227 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 438 of the Code of Criminal Procedure, 1973 in connection with **Naihati** P.S. Case No.**458 of 2022** dated **28.12.2022** under Sections **302, 34** of the IPC.

And

In the matter of: Sudipta Sikdar

....Petitioner.

Mr. Subhadeep Chatterjee
Ms. Arpita Kundu
...for the petitioner.

Ms. Anasuya Sinha
Mr. Kaustav Banerjee
.....for the State.

Mr. Tirthankdar Dhali
....for the de facto complainant.

Memo of Evidence, as filed on behalf of the State, is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a friend of the alleged victim. The petitioner was in an inebriated stage. He fell down from the stairs of an under-construction building. After that he was taken to his own house. According to his father, a local compounder did some dressing and gave medicine. On the next morning as his condition deteriorated the father called the friends who took them to a hospital where he was declared death. After eight months of this incident, the victim's mother lodged an FIR against the present petitioner and others. First, a final report was filed. Thereafter further investigation was started. The petitioners are absolutely innocent.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and relies on the materials available in the case diary. However, she also refers to the first statement given by the father to the police authorities.

Considering the materials available in the case diary, the delay in lodging the FIR, the alleged role ascribed to the present petitioner and the fact that charge sheet has been filed, 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 petitioner.

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 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 condition that the petitioners shall not threaten or intimidate witnesses and shall surrender and pray for bail before the learned jurisdictional Court within four weeks from this date.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)