

AD 28
November 27, 2025
Ct. 28
SG

Reject

CRM(A) 3307 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola Police Station Case No.967 of 2024 dated 24.09.2024 under Sections 302/201 of the IPC.

And

In the matter of:

Aliul Sk. @ Patan and another

... petitioners

Mr. Arnab Chatterjee
Mr. Avik Ghosh
Ms. Ankusha Ghosh

... for the petitioners

Mr. Saumik Ganguly
Md. Ejaz Akhtar

... for the State

Report filed by the State is taken on record.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. The dead body of the victim was found on 27.04.2024. The post-mortem was done, but no FIR was registered. On 24.09.2024, a suo motu FIR was registered. Thereafter the family members of the alleged victim came to state before the investigating officer that they were eyewitnesses to the incident and implicated the present petitioners. A co-accused has been granted bail.

Learned counsel for the State relies on the report and the case diary, opposes the prayer for anticipatory bail and submits that there are family members who are eyewitnesses to the incident. They could not take any step because of fear. It was due to misconception of law that the officers of the police station at that point did not have a suo motu FIR registered. It is a case where the victim was beheaded.

One can understand that if there is a doubt whether an unnatural death amounted to homicide and nobody comes to lodge an FIR, an UD case is merely registered. But, this is a case of beheading. So, it is apparent that the victim was murdered. Yet, the police officers of Lalgola Police Station did not file a suo motu FIR at that point. The officers present there at that time ought to be sensitized and need to undergo proper training.

Fortunately, after some time a suo motu FIR was registered.

It appears from the Inquest Report that the local witnesses stated about the previous enmity with the brothers and about the assault by them.

Considering the statements of eyewitnesses and other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

Let a copy of this order be forwarded to the Superintendent of Police, Murshidabad Police Station, who is requested to arrange for necessary training for the police officers who were present at Lalgola Police Station at the date of incident.

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

(Jay Sengupta, J.)