

11.11.2025
Court No.28
Item No.53
tbsr
Allowed

CRM (A) 3359 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 **Nazat** P.S. Case No.**139 of 2019** dated **08.06.2019** under Sections **147/148/149/325/326/302** of the Indian Penal Code and 25/27 of Arms Act, 1959 further charge sheet under Section 147/148/149/325/326 of the IPC and 25/27 of Arms Act, 1959.

And

In the matter of: Narayan Paik

....Petitioner.

Mr. Samim Ahammed
Ms. Saloni Bhattacharya
Md. N. Haque
Ms. Reshma Alam
...for the petitioner

Mr. Iqbal Kabir
Mr. Kaustav Banerjee
....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case due to political differences. He was neither named in the FIR nor in the first charge sheet while the FIR and the first charge sheet were submitted in 2019 itself. It is only in 2025 that the supplementary charge sheet has been submitted with the petitioner's name in it, amongst others. Two other co-accused were granted anticipatory bail before this Court earlier.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary and submits as follows. While the de facto complainant had specifically mentioned the names of the 29 accused in the FIR registered in June, 2019, in

his statement made before the Magistrate, he admitted that he had missed a few more names who were also involved and thereafter implicated the petitioner and few others as additional accused.

Considering the materials available in the case diary, the alleged role ascribed to the present petitioner, the fact that the petitioner was not specifically named in the FIR by the father of the victim, a purported eye-witness, but was named by him in a subsequent statement before the learned Magistrate along with some others and the fact that some other co-accused were granted anticipatory bail in this case, 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 petitioner shall not threaten or intimidate witnesses, 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, allowed.

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

(Jay Sengupta, J.)