

26.11.2025
Court No.28
Item No.35
tbsr
Reject

CRM (A) 3618 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Marishda** P.S. Case No. **307 of 2025** dated **06.08.2025** under Sections **103(1)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Bhabesh Chandra Mandal

....Petitioner.

Mr. Samim Ahammed
Ms. Gulsanwara Pervin
....for the petitioner

Mr. Sanjay Banerjee
Mr. Debanshu Ghorai
....for the State

Mr. Apalak Basu
Ms. Leena Panja
....for the de facto complainant

Learned counsel appearing on behalf of the petitioner submits as follows. There was a delay in lodging the FIR. The petitioner was doing his duty at the Railways and his usual duty hours are between 11 a.m. and 3 p.m. The incident allegedly happened at about 4 p.m. It was not possible for the petitioner to have gone to the place of occurrence after doing his duty.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the place of work and place of occurrence have both were in Kharagpur. It was fairly possible for the petitioner to have gone to the place of occurrence even after doing his duty although it is denied that he had attended his duty on that day. Furthermore, this court had earlier

rejected the bail prayer of a co-accused who was similarly circumstanced. Only a petitioner who was standing on a different footing was granted bail.

Learned counsel appearing on behalf of the State opposes the prayer and relies on the statements of eye-witnesses and the other materials available in the case diary including the post mortem report.

Considering the materials available in the case diary including the statements of eye-witnesses and the post mortem report, I do not consider this to be a fit case for granting anticipatory bail.

Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)