

28.11.2025
Court No.28
Item No.22
tbsr
Reject

CRM (A) 3671 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Beldanga** P.S. Case No. **155 of 2025** dated **16.03.2025** under Sections **103(1), 3(5), 351(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Nasim Akram**

....Petitioner.

Mr. Asim Kumar Chakraborti
....for the petitioner.

Ms. Subhasree Patel
Mr. Karan Bapuli
.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. The FIR was lodged one year and seven months after the alleged incident.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She relies on the case diary and points to the statement of the son of the victim recorded before a Magistrate. At the relevant time, the wife was not residing with the victim. It was only after she came to know about the post mortem report that she decided to register the FIR. The post mortem report shows that death was due to abdominal injuries ante mortem in nature and homicidal in manner.

It is, indeed, very unfortunate that even after obtaining this post mortem report, the local police authorities did not choose to register a suo motu FIR. This is becoming a regular trend. Even the other day one such instance had come to light.

It is one thing that if there is any doubt about the nature of unnatural death and nobody comes to register an FIR that the case is dealt with only by initiating a UD case. But when the post mortem report or any other evidence clearly shows that the death was homicidal in nature, it is the duty of the police officers to register a suo motu FIR, even if no relative of the victim comes to lodge one.

Be that as it may, considering the incriminating materials available in the case diary including the post mortem report, the statement of the son of the victim and other witnesses and the fact that two other co-accused have been arrested, I do not consider this to be a fit case for granting anticipatory bail.

It appears that the police officers present at the police station being Beldanga police Station needs to be sensitized and need to undergo training in this regard.

Let a copy of this order be sent to the concerned S.P., Murshidabad for having such police officers undertake appropriate training.

With these observations, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)