

18.12.2025
Court No.28
Item Nos. 2, 3 & 4
tbsr
Partly Allowed

CRM (A) 3645 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with **Rejinagar** P.S. Case No.**167 of 2025** dated **09.06.2025** under Sections **109/117(2)/118(2)/190/191(2)/191(3)/303(2)/324(4)/326(G)/329(4)/315(2)/351(3)/74/61/288/3(5)** of the Bharatiya Nyaya Sanhita, 2023 and adding Sections 9(b) of the I.E. Act.

And

In the matter of: Azmail Sekh @ Azmail @ Ajmail Sk. & Ors.

....Petitioners.

With

CRM (A) 3676 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Rejinagar** P.S. Case No.**165 of 2025** dated **08.06.2025** under Sections **329(4)/115(2)/118(2)/109(1)/324(4)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Asraf Sk. @ Ashraf @ Duku & Ors.

....Petitioners.

With

CRM (A) 3679 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with **Rejinagar** P.S. Case No.**166 of 2025** dated **09.06.2025** under Sections **117(2)/303(2)/324(4)/326(G)/329(4)/351(2)/351(3)/74/3(5)** of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 9B(ii) of the Explosive Substances Act, 1908.

And

In the matter of: Seikh Asad Ali @ Asad Sk. & Ors.

....Petitioners.

Mr. Jaydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Koushik Ghosh
Mr. Gourav Roy
Mr. Raja Das

....for the petitioners in CRM (A) 3645/2025

Mr. Amanul Islam
 Mr. Sourav Mukherjee
 Mr. Gourav Roy
 Mr. Raja Das
for the petitioners in CRM(A) 3676/2025

Mr. Amanul Islam
 Mr. Sourav Mukherjee
 Mr. Gourav Roy
 Mr. Raja Das
for the petitioners in CRM (A) 3679/2025

Mr. Anand Kehsari
 Mr. Debanik Das
for the State in CRM (A) 3645/2025

Mr. Arindam Sen
 Ms. Poulami Bose
for the State in CRM(A) 3676/2025

Mr. Antarikhya Basu
 Ms. Rajashree Tah
for the State in CRM (A) 3679/2025

Mr. Navanil De
 Mr. Shivaji Das
 Ms. Deblina Dey
 Mr. S. Majumder
for the de facto complainant

As the three applications for anticipatory bail being CRM(A) 3645 of 2025, CRM(A) 3676 of 2025 and CRM(A) 3679 of 2025 arising out of same transactions, the same are taken up for hearing together.

On the prayer of the learned counsel appearing on behalf of the petitioner in CRM (A) 3645 of 2025, the application for anticipatory bail is not pressed so far as the petitioner no. 16 is concerned. According to him, the petitioner nos. 7 and 16 are one and the same person.

Accordingly, the application for anticipatory bail being CRM(A) 3645 of 2025 is dismissed as not pressed so far as the petitioner no. 16 is concerned.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been falsely implicated in this case due to village rivalry. There is no serious injury far less grievous injury inflicted upon any one. Initially, the police authorities were unable to produce relevant documents regarding burning of houses or articles. Although the incidents arising out of alleged grievance that took place in the same transaction, three separate FIRs have been lodged. This is absolutely bad in law. The two subsequent FIRs have to be treated as statements in respect of the first case.

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

Learned counsels appearing on behalf of the State relies on a report, which is taken on record and the case diary and opposes the prayers for anticipatory bail. According to the written notes, there are eleven persons namely, **Bakul Sk, Ashraful Sk @ Asraful Sk, Asman Sk, Mohan Sk. @ Chand Mohammad Sk, Chand Mohammad Sk, Manik Seikh, Kawser Sk., Sherful Sk, Sabir Sk, Sahidul Sk and Asraf Sk @ Ashraf @ Daku** who are common in all the three cases. There are statements of witnesses including the victims which implicate all the petitioners. There are seizure lists for burnt articles. There are pictures of houses vandalized. However, injury reports do not show infliction of any grievous injuries.

Let the Investigating Officers take appropriate steps to have the three cases amalgamated by making a prayer before the concerned Court to treat the two subsequent FIRs as subsequent statements and make them a part of the case diary in respect of the first case.

Considering the materials available in the case diary and the alleged roles ascribed to the present petitioners and the fact that the above referred set of accused have been named in all the three complaints, while I am inclined to reject the application for anticipatory bail of the said above referred eleven numbers of accused, the applications for anticipatory bail of the rest of the petitioners in the three applications is allowed.

In the event of arrest, the petitioners namely, **Azmail Sekh @ Azmail @ Ajmail Sk., Sk. Abul Kashem, Arfan Khan @ Natu, Hasibul Sk. @ Sekh, Rabiul Sekh, Shahajamal Khan, Kumeruddin Sekh, Nagibul Sk., Abdur Rahaman Khan @ Fulu Khan, Lekchhaddin Seikh, Imajuddin Sk., Saddam Khan, Irfan Khan, Amanulla Sk., Samirul Sk. @ Gotor, Samsul Haque Sekh @ Samsul Sk., Bhatala Sk., Manai Sekh, Sahar Alam Sk. @ Babu, Rejjak Ali Sk., Israfil Sk., Sabir Sk., Sentu Sk., Manirul Sk., Khusibul Sk., Sabir Ali Sk @ Bhula Sk., Ibrahim Sk. @ Roni Sk., Asadul Sk., Maynaddin Sekh, Nur Haque Khan @ Nurul Haque Khan @ Hamsa Khan, Seikh Asad Ali @ Asad Sk., Rafikul Sekh, Badal Sk. @ Seikh and Anisur Rahaman** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 they shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the Investigating Officer once a fortnight till submission of report in final form.

The applications for anticipatory bail are, thus, disposed of.

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

(Jay Sengupta, J.)