

17.12.2025
Sl. No.29
NB

CRM (A) 3829 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 Chanditala PS Case No.649/2025 dated 22.08.2025 under Sections 329(4)/115(2)/117(2)/65/62/76/324/303(2)/3(5) of the Bharatiya Nyaya Sanhita 2023.

And

In the matter of: Sabir Sk. & Anr.

... petitioners

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee.
...for the petitioners.

Mr. Imran Ali,
Ms. Srilekha Chattopadhyay.
...for the State.

Mr. Navanil De,
Mr. Subhrajit Dey.
...for the de facto complainant.

It appears that Section 65 of the BNS has been wrongly imputed in this case. The survivor is admittedly an adult. Therefore, that provision would not apply. Hence, the application for anticipatory bail is maintainable.

Learned counsel appearing on behalf of the petitioners submits as follows. The application for anticipatory bail was not pressed so far as the petitioner no.2 is concerned. The petitioner no.1 has been falsely implicated in this case. In fact, the present case is a fall-out of a landlord and tenant dispute. The petitioner happens to be the driver of the landlord.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He submits that a co-accused, standing on a better footing was earlier denied the benefit of anticipatory bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the victim recorded before the learned Magistrate, the statements of local post-occurrence witnesses, the injury reports and the subsequent GD Entries lodged due to threats given to the alleged victim.

Considering the above and the other incriminating materials available in the case diary and the fact that the petitioners' name has been taken by the victim in the statements recorded before the learned Magistrate as well as before the treating doctor, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail being **CRM (A) 3829 of 2025** is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)