

AD 40
December 9, 2025
Ct. 28
SG

Allowed

CRM(A) 3847 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with English Bazar P.S. Case No.1428 of 2025 dated 05.07.2025 under Sections 329(4)/232/351(2)/3(5) of the BNS.

And

In the matter of:

Awal Mirja @ Mirja Awal @ Aowal
... petitioner

Ms. Minoti Gomes

... for the petitioner

Ms. Manisha Sharma

Mr. Parvez Anam

... for the State

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner and other accused were granted bail in an earlier case of alleged murder.

Learned counsel for the State opposes the prayer for anticipatory bail, relies on the case diary including the statements of local witnesses and submits that it does not appear that other than the statement of a local witness recorded by the police there is much material available against the present petitioner.

Considering the nature of allegations and the materials available in the case diary, although I am inclined to grant anticipatory bail to the petitioner, his movement shall remain restricted for a limited period.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer once a fortnight till submission of report in final form, shall stay outside the jurisdiction of English Bazar Police Station for the period of six months except for meeting the investigating officer or attending the jurisdictional court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)