

03/12/2025
D/L – 43
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3859 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Joynagar P.S Case no. 184 of 2024 dated 7/3/2024 under Section 448/379/436/341/323/427/354/509/506/34 of the IPC.

In the matter of: Taizul Khan @ Taijul Islam Khan & Ors.

...Petitioners.

Mr. Angshuman Chakraborty
Mr. S.S. Saha

...for the petitioners.

Mr. A. Keshari
Ms. Sima Biswas

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits as follows. On 13.11.2023 a case of murder along with the provisions under the Arms Act was registered against the 13 accused persons including some relatives of the de-facto complainant. On the very same day, the police started a *suo moto* FIR with the same provisions imputed as in the present case against the petitioners. They were granted bail in the said case. After 3 years 6 months, the de-facto complainant filed another complaint under Section 156(3) of the Code making the same allegations against the petitioners. This led to the registration of the second FIR against the petitioners over self-same facts.

2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses and seizure list. However, she submits that there is no injury report present in the case diary and the charge-sheet has been submitted.
3. Considering the above, the other materials available in the case diary, the fact that the *suo moto* case was having similar allegations as the previous case, where the petitioners were granted bail and the fact that charge-sheet has been submitted, I am inclined to grant anticipatory bail to the petitioners.
4. In the event of arrest, the petitioners 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 further conditions that the petitioners shall not threaten or intimidate the witnesses. The petitioners shall surrender before the learned jurisdictional Court within four weeks from date and shall attend the jurisdictional Court regularly.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)