

19.12.2025
Court No.28
Item No.23
tbsr
Allowed

CRM (A) 3874 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bolpur** P.S. case No.**290 of 2025** dated **30.06.2025** under Sections **303(2)/317(2)** of the BNS read with Section 21 of the Mines and Minerals (Development and Regulation) act 1957.

And

In the matter of: Tapash Mukherjee

....Petitioner.

Mr. Jakir Hussain
Mr. Mazhar Hossain Chowdhury
...for the petitioner.

Mr. Anupam Dasadhikari
....for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of an excavator machine which was seized from the place where the illegal sand mining was going on. The petitioner relies on prior documents by which the machine was given to the principal accused for valuable consideration. Some other accused were granted bail after arrest. Charge sheet has been submitted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that the document by which the machine was allegedly given by the petitioner to the principal accused forms part of the case diary.

Considering the above, the materials available in the case diary, the alleged role ascribed to the present petitioner and the

fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 the petitioner shall surrender before the learned jurisdictional Court within four weeks and pray for bail and shall regularly attend 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 may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)