

05/12/2025
D/L – 48
Court No.28
S. Kundu
Rejected

C.R.M.(A) 3912 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Bagnan P.S case no. 561 of 2025 dated 9/9/2025 under Sections 126(2)/118(2)/103/3(5) of the BNS.

In the matter of: Jamshed Ali Khan @ Jamsed Ali Khan

...Petitioner.

Mr. Sanjay Banerjee
Ms. Labony roy

...for the petitioner.

Mr. Pawan Kr. Gupta
Ms. Sofia Nesar
Mr. Santanu Sett

...for the de-facto complainant.

Mr. Sandip Chakraborty
Ms. Debadrita Mondal

...for the State.

1. Learned counsel appearing for the petitioner submits as follows. Altercations took place between the petitioner's brother and some neighbours when a lady came with the weapon. The petitioner came in much later after the assaults had already taken place. In fact, he had taken the principal victim to the hospital. There are call records available to support such contention.
2. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. There are several eye-witnesses to the incident. There are witnesses who had seen that the petitioner actively involved in the assaults. Even the lady who had come to stop the fight was brutally assaulted.

3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. She relies on the FIR filed by the eye-witness, the statements of eye-witnesses, the statement of the injured witnesses, the *post-mortem* report and the injury reports. She submits that the petitioner had given blow at the back of the victim. According to the available statements, the principal victim was taken to hospital by a driver.
4. Considering the incriminating materials available in the case diary including the injury reports, the *post-mortem* reports and the statements of eye-witnesses, I do not consider this to be a fit case to grant anticipatory bail to the petitioner.
5. Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)