

31.12.2025
SL No.11
Court No.6
S.Gayen/
Rohan
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

C.R.M.(A) 4428 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pukhuria Police Station Case No. 525 of 2025 dated 26.10.2025 under sections 329(4)/115(2)/117(2)/109/76/3(5) of the BNS, 2023;

-And-

In the matter of: Badal Hoque @ Badal

...Petitioner

Mr. Abhishek Chakraborty
Mr. Musharaf Alam Sheikh

...for the Petitioner

Ms. Manisha Sharma
Ms. Snigdha Saha

...for the State

1. The learned advocate appearing for the petitioner submits that the allegations leveled against the petitioner are general and omnibus in nature. It is contended that the materials on record fail to attract the essential ingredients of **Section 307 of the Indian Penal Code** (Attempt to Murder). Counsel further submits that the dispute is essentially civil in nature, stemming from a property disagreement, and that the petitioner is willing to cooperate with the trial. It is also noted that a co-accused has already been enlarged on bail.

2. Learned Counsel appearing for the State **vehemently opposes** the prayer for anticipatory bail. Reference is made to **Page Nos. 16 and 22 of the Case Diary** to demonstrate the applicability of Section 307 of the IPC based on the nature of the assault.
3. This Court has perused the materials on record, including the Case Diary.
4. It appears that the petitioner and the *de facto* complainant are relatives embroiled in a dispute regarding the share of ancestral property (**Bastu Vita**). This dispute led to an altercation during which one **Sarfejul Hoque** sustained a lacerated injury on the left parietal region of the skull. The medical records at pages 16 and 22 of the Case Diary indicate that the victim was administered pain-relieving medication for the said injury.
5. Considering the nature of the injury sustained, the familial relationship between the parties, and the fact that the underlying dispute appears to be civil in character, this Court is **inclined** to grant the prayer for anticipatory bail.
6. Accordingly, the application of anticipatory bail is, thus, **allowed**.
7. It is directed that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of **Rs.**

10,000/- (Rupees Ten Thousand only), with two sureties of **Rs. 5,000/- (Rupees Five Thousand only)** each, to the satisfaction of the **Arresting Officer**.

8. The grant of anticipatory bail is subject to the following conditions:

a. The petitioner shall not leave the jurisdiction of the concerned Court without prior permission;

b. The petitioner shall comply with the conditions as stipulated under **Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**;

c. The petitioner shall appear before the jurisdictional Court on every date fixed for appearance.

9. In the event of default in appearance, the jurisdictional Court shall be at liberty to pass appropriate orders to secure the presence of the petitioner, including the **cancellation of the anticipatory bail** hereby granted, without further reference to this Court.

10. **C.R.M. (A) 4428 of 2025** is, thus, **disposed of**.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)