

28.01.2025.
Sl. No.17.
Ct. No. 1
SG
[Allowed]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri

C.R.M. (A) 8 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rajganj P.S. Case No. 387/2024 dated 03.11.2024 under Section 105 of BNS.

And

In the matter of : **Biswajit Sarkar.**

... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayanti Das.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.
Ms. Namrata Das.

...for the State

1. Petitioner contends he is the owner of the toto which was driven by the co-accused. He was not present at the spot when the incident occurred. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State submits bail prayer for the toto's driver i.e. C.R.M. (DB) 3 of 2025 has been turned down.
3. We have considered the materials on record. One Bishnupada Sarkar was driving a toto owned by the petitioner. The deceased along with two other children Moumita and Gublu were in the toto. Taking advantage of the situation he assaulted the victim child resulting in severe abdominal injury and death.

Petitioner is the owner of the toto. He was not present at the spot.

4. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary but he requires to cooperate with investigation in accordance with law.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Biswajit Sarkar** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner while on bail shall meet the investigating officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)