

27.01.2025

Ct. No. 1

Sl. No.24

akd  
[ALLOWED]

**IN THE HIGH COURT AT CALCUTTA**  
**Circuit Bench at Jalpaiguri**

**C. R. M. (A) 42 of 2025**

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 20.01.2025 in connection with Bhorer Alo Police Station Case No. 264 of 2024 dated 04.12.2024 under Sections 126(2)/117(2)/109/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.6102 of 2024)

And

In Re: ***Laxman Mistry & Anr.***

... .. Petitioners

Ms. Madhushri Dutta

... .. for the petitioners

Mr. Tapan Bhattacharjee  
Mr. Chattu Roy

... .. for the State

1. It is submitted on behalf of the petitioners there was a free fight. Case and counter-case were registered. Petitioners had also suffered injuries. Co-accused viz. Sita Mistry and Jyotsna Das have been granted pre-arrest bail. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits injuries are grievous. Co-accused who have been granted pre-arrest bail are women.
3. We have considered the materials on record. It is contended there was a free fight. Case and counter-case were registered. Though injuries are grievous, specific overt act of assault on the victim with an iron rod is levelled against co-accused viz. Sita Mistry who has been granted pre-arrest bail. Allegations against the petitioners are general and omnibus. Keeping in mind the aforesaid facts, we are of the opinion

custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

4. Accordingly, we direct in the event of arrest, the petitioners, namely **(1) Laxman Mistry & (2) Prasenjit Das**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 the petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**