

21. 09.04.2025
Court
No.1 (Papiya)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 254 of 2025

In Re: - An application for anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Phansidewa Police Station Case No. 04 of 2025** dated **03/01/2025** under Sections **126(2)/117(2)/109/3(5)** of the Bharatiya Nyaya Sanhita Act, 2023.

And

In the matter of: - **Bimal Sarkar & Anr.**

...petitioners.

Mr. Hillol Saha Podder, Adv.
Ms. Mousumi Das, Adv.

...for the petitioners.

Mr. Tapan Bhattacharjee, Adv.
Mr. Sukanya Adhikary, Adv.

...for the State.

1. The petitioners say that they have been falsely implicated because of a long standing dispute between them and the *de facto* complainant who is their neighbor. They say that they will fully cooperate with the Investigating Officer. They pray for pre-arrest bail.
2. I have seen the statement of the *de facto* complainant/victim and also the two injury reports that are available in the case diary. The injury definitely does not appear to be grievous.
3. On an overall assessment of the facts and circumstances of the case and the material on record, I am of the view that immediate custodial interrogation of the petitioners may not be

necessary so long as they cooperate with the Investigating Officer.

4. Hence, I am inclined to **allow** their prayer for anticipatory bail.
5. Accordingly, in the event of arrest, the petitioners, namely, **Bimal Sarkar** and **Bikash Sarkar**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioners shall meet the Investigating Officer of this case once in a fortnight and as and when call for, until further orders. Within seven days from date, the petitioners shall go and meet the Investigating Officer of the concerned police station.
6. The application for anticipatory bail being CRM (A) 254 of 2025 is, thus, **allowed** and disposed of.
7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)