

02.05.2025
(D/L 3)
Ct. No.1
(Naba)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRM (A) 293 of 2025**

In Re:- An application for anticipatory bail under section 482 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with **CNR No. WBCB01-000647-2025** in respect of **Dinhata P.S. Case No. 322/19** dated **02/08/2019** under Sections 341/323/325/307/34 of the IPC.

And

In the matter of : **Bhajan Biswas**

... Petitioner

Mr. Subhankar Dutta

... for the petitioner

Mr. Abhijit Sarkar, (VC)
Ms. Sukanya Adhikary

... for the State

1. Heard the learned counsel for the petitioner and the learned State counsel.
2. There is an allegation that the accused person has assaulted one Safikul Mia.
3. The learned counsel for the petitioner submits that the petitioner have no criminal antecedents. He has been falsely implicated in this case. It is further submitted the other co-accused persons, namely, Jiban Barman, Debasish Roy Sarkar, Tapan Barman @ Tapan Kumar Barman, Krishna Barman @ Krishna Kamal Barman, Dipak Barman @ Dipak Ch. Barman and Prasenjit Karmakar were allowed the benefit of anticipatory bail

by the learned Sessions Judge, Cooch Behar on 29.08.2019 in Criminal Misc. Case No. 1101 of 2019.

4. The learned counsel for the petitioner claims the benefit of anticipatory bail on the ground of parity.
5. The learned State counsel submits that the material in the case diary shows that the victim had sustained injuries. On specific a query whether any proceedings have been undertaken against the present petitioner under Sections 84 and 85 BNSS, the submission is in the negative.
6. Considering the rival submissions, the nature of general and omnibus allegations against all accused, the petitioner's claim for anticipatory bail based on parity, this Court is inclined to allow the prayer for anticipatory bail.
7. Accordingly, it is directed that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 482(2) of the BNSS, 2023 including the condition that the petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.

8. It is further directed that the petitioner will not tamper with evidence and/or threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
9. In the event, the petitioner fail to comply with the aforesaid directions without any justifiable cause, the learned Trial Court shall be at liberty to cancel the bail without any further reference to this Court.
10. Accordingly, the prayer for the anticipatory bail is allowed.
11. The application being **CRM (A) 293 of 2025** is disposed of.

(Madhuresh Prasad, J.)