

27.11.2025
Item no.32
Court No.3
ss
(Allowed)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 845 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS in connection with Pradhan Nagar Police Station Case No.555/2025 dated 10.08.2025 under Sections 126(2)/117(2)/109/76/303(2)/351(2)(3)/3(5) of the Bhartiya Nyaya Sanhita, 2023.

In the matter of : **Habibullah Shiekh & ors.**
... Petitioners.

Mr. Sourav Ganguly
Ms. Rishita Chakraborty
Mr. Debojit Kundu
... for the petitioners

Mr. Abhijit Sarkar
Ms. Namrata Das
.....for the State.

Mr. Mayank Roy
... for the *de facto* complainant

1. Learned Advocate for the petitioners submit that the *de facto* complainant and the petitioners are related to each other. There is long standing civil dispute between the parties. It has been alleged in the written complaint that the *de facto* complainant/victim was intentionally run over by a vehicle driven by accused No.1, Khalilullah Sheikh. The petitioners were travelling in the said vehicle. Therefore, no criminal intent is attributable to the petitioners so far as the circumstance of the case is

concerned. The complainant did not sustain grievous injury and she attended the doctor after three days of occurrence. The present case is counter blast of an earlier case lodged by accused no.1 against the complainant and others. The person namely, Md. Khalilullah Sheikh who was driving the car has been enlarged on bail by the learned jurisdictional court. He seeks for grant of anticipatory bail in favour of the petitioners.

2. Learned Advocate for the State, opposing such prayer of anticipatory bail, submits that the petitioner no.1 is the father of the *de facto* complainant and he has sent threatening and intimidating messages to the *de facto* complainant through *whatsapp*, which is not expected from a father. There is likelihood of danger to the life of the complainant, in the event, the present petitioners are granted anticipatory bail. The civil litigation and the present criminal proceeding are distinct and separate. The attending doctor detected hearing loss in the ear of the victim soon after the incident. She seeks for dismissal of the application for grant of anticipatory bail.
3. Learned Advocate for the *de facto* complainant also submits in the similar fashion and he opposes the prayer for grant of anticipatory bail to the petitioners.
4. Perused the case diary and the materials on record.
5. There cannot be any quarrel that on the date of incident the accused no.1, Md. Khalilullah Sheikh was driving the

vehicle and not these petitioners. It is alleged by the complainant that she was deliberately dashed by the said vehicle. The accused no.1, who was driving the vehicle on the date of incident, has been granted bail. It is not in dispute that the *de facto* complainant has filed suit for declaring the deed gift executed in favour of the accused no.1 being deed no.2917 of the year 2009 as not binding and is liable to be cancelled. There is an earlier criminal case lodged by accused no.1 being NJP Police Station Cse No.541 of 2025 against the complainant of this case and others. Thus, there are several litigation pending by and between the parties. Considering the above, I am inclined to extend the benefit of anticipatory bail in favour of the petitioners.

6. Accordingly, in the event of arrest the petitioners namely, **Habibullah Shiekh, Shahnaz Khatoon and Shama Praveen** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of BNSS and petitioner no.1 shall meet the Investigating Officer once in a fortnight, until further order. The petitioners shall attend the court on the date fixed for appearance. The petitioners are directed to cooperate with the Investigating Officer.

7. In default the jurisdictional Court shall pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. This application for anticipatory bail is allowed.
9. **CRM (A) 845 of 2025** is, thus, disposed of.

(Bivas Pattanayak, J.)