

02.02.2026
Sl. No.63
Ct. 28
NB

C.R.M (A) 103 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dubrajpur PS Case No.412/2025 dated 11.11.2025 under Sections 79/329(3)/115(2)/117(2)/351(2)/118(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Radheshyam Ghosh & Ors.

... petitioners

Mr. Kunal Ganguly
...for the petitioners.

Mr. Sanjay Banerjee,
Ms. Debjani Sahu.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. There was a dispute regarding construction of a drain. In spite of having favourable orders from civil Court and from the Magistrate for maintaining peace in favour of the present petitioners, the de facto complainant continued to make the illegal construction. An altercation ensued. Injuries were suffered on both sides. But, the injury allegedly suffered by the present victim was not grievous. The petitioners' side lodged the First FIR. This is only a counterblast against the same.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the statements of witnesses and injury report, which, however not show inflicting of any grievous injury.

Considering the above and the other materials available in the case diary, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the present petitioners.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioners shall meet the Investigating Officer once a fortnight till submission of report in final form.

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

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)