

09.04.2026
Court No.28
Item No.28
ssi

CRM (A) 1089 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Gaighata Police Station Case No.258 dated **24.03.2026** under Sections 329 (3)/**318(4)/115(2)/76/351(2)/3(5)** of the BNS 2023.

And

In the matter of: **Shyamalendu Hazra & others.**

.... Petitioners

Md. Abdur Rakib
Mr. Somnath Majumder

...for the petitioners

Mr. Shiladitya Banerjee
Ms. Srilekha Chattopadhyay

..for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The de facto complainant is the maternal uncle of the petitioner nos. 1, 2 and 5. There was a prior dispute regarding ancestral property between the de facto complainant and the family members of the petitioner nos. 1, 2 and 5. First, the de facto complainant initiated a proceeding under Section 163 of the BNSS. Thereafter, a fight ensued between the private parties. Injuries were suffered on both sides. However, none were grievous in nature. There was a delay of nine days in lodging the present FIR.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses and the injury report which, however, does not show infliction 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 petitioners.

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioners shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner nos. 1, 2 and 4 shall meet the I.O. once a week till submission of report in final form.

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

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)