

18.05.2026
Court No.28
Item No. 37
tbsr
Allowed

CRM (A) 1207 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 equivalent to Section 438 of the Criminal Procedure in connection with **Banshihari** P.S. Case No.**84 of 2026** dated **09.03.2026** under Sections **329(4)/64(1)/62/115(2)/49/351(3)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: XXXX

....Petitioner.

Mr. Pawan Kr. Gupta
Mr. Vijay Verma
Mr. Subrata Saha
Ms. Sofia Nesar
...for the petitioner

Ms. Sumita Sarkar
Ms. Aritry Ghoshal
....for the de facto complainant

Mr. Krishnendu Bhattacharyya
Mr. Koustav Lal Mukherjee
.... Amicus

Memo of evidence filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. There is prior enmity between the private parties. There are case and counter case. In fact, over the incidents that took place on the same date, an NGR case was started by the police. Subsequently, a different version was foisted by the de facto complainant.

Learned counsel appearing on behalf of the de facto complainant vehemently opposes the prayer for anticipatory bail.

Learned Amicus assisting the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the statement of

victim recorded before the learned Magistrate, the statements of other witnesses and the like. However, he submits that the victim had refused to undergo medical examination.

Considering the above, the other materials available in the case diary, the fact that there is also an NGR case over the incidents that took place on the same day and the fact that the alleged victim had refused to undergo medical examination, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

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 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 condition that the petitioner shall cooperate with investigation, shall meet the I.O. once a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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.)