

AD 22
June 9, 2026
Ct. 28
SG

Reject

CRM(A) 1233 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nalhati P.S. Case No.31 of 2026 dated 17.01.2026 under Sections 126(2)/117(2)/109(1)/3(5) of the BNS, 2023.

And

In the matter of: Mimma Bibi and others

... *petitioners*

Mr. Souvik Mitter, Sr. Adv.
Mr. Joy Chakraborty
Mr. Souvik Ganguly

... for the petitioners

Mr. Pritam Roy
Ms. Triparna Roy

... for the State

Mr. Ayan Bhattacharyya, Sr. Adv.
Mr. Bibaswan Bhattacharya
Mr. P. Roy

... for the de facto complainant

Learned senior counsel representing the petitioners submits that the petitioners are not the principal accused in this case. Petitioner No.3 was an inquest report witness. For the first time, the petitioners were implicated about 80 days after lodging of the FIR, when one witness, Din Mohammad, made a statement against them. Thereafter, another witness was examined before the learned Magistrate who gave a similar version. As alleged by them, the petitioner Nos.2 and 3 exhorted the principal accused to commit the act, while the petitioner No.1 helped them by supplying sticks. Upon instructions, it is further submitted that there is a medical document showing that the witness, Din

Mahammad, had fallen and fractured his patella on 18.01.2026.

Learned counsel for the State strongly opposes the prayer for anticipatory bail, relies on the case diary and submits that although the petitioner No.3 was an inquest report witness, his role became evident during investigating. He was finally arrayed as an accused in the charge-sheet. Moreover, it was not only on the basis of the statement of injured witness Din Mohammad that the petitioners were implicated in this case. There is an independent witness who made a statement on 29.01.2026 giving a detailed account of the roles of the present petitioners. He reiterated the same in his statement made before the learned Magistrate on 07.04.2026. The de facto complainant, being the mother of the victim, was not an eyewitness.

Learned senior counsel representing the de facto complainant opposes the prayer for anticipatory bail and submits that a young boy was beaten to death by the accused. While the petitioner No.1 supplied the sticks used in the assault, the other two petitioners instigated the other co-accused to commit such assault. It is not clear whether the injury sustained by the witness, Din Mohammad, on 18.01.2026 was different from the one suffered by him on the previous date i.e., on the date of assault.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

The personal appearance of the investigating officer is noted and is dispensed with.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)