

24.06.2026
Court No.28
Item No.11
tbsr
Allowed

CRM (A) 1327 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Taherpur** Police Station Case No.**64 of 2018** dated **19.04.2018** under Sections **447/341/326/307/302/34** of the Indian Penal Code.

And

In the matter of: Susil Das & Ors.

....Petitioners.

Mr. Ayan Bhattacharjee, Sr. Adv.
Ms. Sananda Bhattacharye
...for the petitioners

Mr. Krishnendu Bhattacharya
Mr. Pritam Roy
.... for the State

Learned senior counsel appearing on behalf of the petitioners submits as follows. Although the petitioners were named along with other accused in the FIR started by a person who was not an eye-witness to the incident, the present petitioners were left out from the charge sheet as accused. The de facto complainant prayed for further investigation. But, the Magistrate took cognizance of the offences by adding the present petitioners in the array of accused. The petitioners have been falsely implicated in this case. Some other co-accused were granted anticipatory bail.

Learned APP representing the State relies on the case diary and submits as follows. One Bikas Sarkar, son of Haripada Sarkar was mentioned as an accused in the charge sheet. But, the petitioner no. 2 is one Bikas Sarkar, son of Bimal Sarkar, who was left out along with the other petitioners in the charge sheet. Other than the FIR,

there is no material available in the case diary that would implicate the present petitioners.

Considering the above and the other materials available in the case diary, 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 condition that the petitioners shall surrender before the learned jurisdictional Court within four weeks from this date and pray for bail and shall regularly attend the jurisdictional Court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

The presence of the I.O. is noted and is dispensed with.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)