

12.06.2026
Court No.28
Item No.37
tbsr
Partly Allow

CRM (A) 1462 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dhantala** P.S. Case No.**315 of 2026** dated **10.05.2026** under Sections **126(2)/115(2)/117(2)/109(1)/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Swarup Baidya @ Sourav @ Tubai Baidya & Ors.

....Petitioners.

Mr. Shibaji Kr. Das
Mr. Dipendu Sarkar
Ms. Deblina De
...for the petitioners.

Mr. Pradip Banerjee
Ms. Rima Banerjee
.....for the State.

Learned counsel appearing on behalf of the petitioners submits that the petitioners draw electricity from a transformer line which passes over the residence of the de facto complainant. They would often disconnect such electricity. A scuffle took place over this. The petitioners were brutally assaulted. They suffered fracture injuries as well as injuries on vital parts of the body, like the head. There are case and counter case.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the statements of witnesses including locals and the injury reports. The injury report of one of the victims shows that the injury sustained on the head resulted in on occipital extradural haemorrhage. According to the statements, the petitioner nos. 1 and 2 hit the victim with a hammer and an iron rod.

Considering the above, the other materials available in the case diary, the alleged roles ascribed to each of the present petitioners and the fact there are case and counter case, while I am inclined to grant anticipatory bail to the petitioner nos. 3, 4, 5 and 6, the application for anticipatory bail of the petitioner nos. 1 and 2 (Swarup Baidya @ Sourav @ Tubai Baidya and Koushik Sarkar) is rejected.

In the event of arrest, the petitioner nos. 3, 4, 5 and 6 (Santiram Baidya, Arjun Mandal @ Arjun Baidya, Abhijit Baidya and Piku Baidya) 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 petitioner Nos. 3, 4, 5 and 6 shall cooperate with investigation, shall not threaten or intimidate witnesses and 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 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.)