

22.06.2026
Court No.28
Item No.50
tbsr
Allowed

CRM (A) 1505 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jiyaganj** P.S. Case No.**475 of 2025** dated **20.12.2025** under Sections **130(1)/61** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Kamalesh Halder & Ors.

....Petitioners.

Mr. Diptangshu Basu
...for the petitioners.

Mr. Anurag Sardar
.....for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been falsely implicated in this case. It is alleged that on 19.12.2025, two ladies went to the house of the husband of the victim to intimate him that his wife/victim herein, had been seen entering into the office of one Swapan Mondal, but was not seen coming out. Despite receiving such information, the husband did not go out in search of his wife and instead waited until the next morning. He subsequently alleged that the said Swapan Mondal must be responsible for the death of the victim and, as he had seen the present petitioners, who were allegedly the driver and khalasi and the like of the said Swapan Mondal in front of his office in the next morning, they too must have been involved in the murder. The principal accused has already been granted bail by a co-ordinate bench of this Court.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to

the statements at pages 44 and 207 of the case diary, along with other statements of witnesses and the post mortem report.

It is indeed surprising that the husband, even after being intimated about his wife going missing, allegedly slept through the night and only came out to look for her early in the next morning.

Be that as it may, considering the above, the other materials available in the case diary, the alleged roles ascribed to the present petitioners and the fact that the principal accused was arrested and was thereafter granted bail, 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 condition that the petitioners 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, allowed.

The presence of the Investigating Officer 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.)