

AD 78
January 5, 2026
Ct. 28
SG

Allowed

CRM(A) 4225 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola P.S. Case No.588 of 2025 dated 04.07.2025 under Sections 103(1)/238(a)/3(5)/61(2) of the BNS, 2023.

And

In the matter of:

Faraj Ali

... petitioner

Md. Abdur Rakib
Md. Wasim Reza
Mr. Biswajit Sarkar
Mr. Mojahid Mehedi

... for the petitioner

Mr. Bibaswan Bhattacharya
Ms. Pallavi Priyadarshee

... for the State

Learned counsel for the petitioner submits that the victim was the paternal uncle of the petitioner. At the time of death of the said paternal uncle, the petitioner was staying and working at Kolkata. After the death, the petitioner only went to attend the funeral ceremony of the victim, as he suspected that something might go wrong. An FIR was lodged after about 32 days of the alleged incident. The petitioner had written to the police authorities, furnishing his phone number to check the phone tower location at the relevant time.

Learned counsel for the State opposes the prayer for anticipatory bail, relies on the post-mortem report and submits that there were two ligature marks, which indicated that the petitioner was first murdered and thereafter hanged. The opinion also is that the death was homicidal in nature. However, so far as the role of

the petitioner is concerned, the only material available as of now is the suspicion of the de facto complainant and some other relatives.

Considering the above, the other materials available in the case diary, the delay in lodging the FIR, the alleged role ascribed to the present petitioner and the fact that a charge-sheet has been submitted, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall surrender before the jurisdictional court within four weeks from date and pray for bail, shall attend the jurisdictional court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)