

11.02.2026
Court No.28
Item No. 7
tbsr
Allowed

CRM (A) 4276 of 2025

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 **Samserganj** P.S. Case No.**135 of 2024** dated **05.03.2024** under Sections **326/307** of the IPC, 1860

And

In the matter of: Rakib Hossain

....Petitioner.

Mr. Bibaswan Bhattacharya
Mr. Sourat Nandy
Mr. P. Roy

....for the petitioners

Mr. Imran Ali
Ms. Puja Goswami

....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The father of the de facto complainant and his associates had been trying to oust the petitioner from his tea shop. A general diary to this effect had been lodged earlier. On the particular day, the henchmen of the de facto complainant came and tried to set the petitioner on fire. In the incident, both the petitioner and the father of the de facto complainant suffered injuries. There are case and counter case. In the other case, the accused were granted anticipatory bail by the learned Sessions Court.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the witnesses and the injury report.

Considering the nature of allegations, the materials available in the case diary, the fact that there are case and counter case and both sides suffered burn injuries and the accused in the other case were

granted anticipatory bail, 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/- 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 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 and.

The application for anticipatory bail is, thus, allowed.

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.)