

AD 31
March 9, 2026
Ct. 28
SG

Reject

CRM(A) 39 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burwan P.S. Case No.485 of 2023 dated 07.12.2023 under Sections 341/302/34 of the IPC.

And

In the matter of: *Md. Abdul Ali @ Babu Sk. @ Abdul Ali and others* ... *petitioners*

Mr. Sekhar Kumar Basu, Sr. Adv.
Md. Hafiz Ali

... for the petitioners

Mr. Bitasok Banerjee
Ms. Manasi Roy

... for the State

Mr. Biswajit Manna

... for the de facto complainant

Learned senior counsel representing the petitioners submits that the petitioners were named in the FIR, but were not named as accused in the charge-sheet. Thereafter, a protest petition was filed and the same was allowed. The matter had come up before this Court. After further investigation, the petitioners were again falsely implicated in the charge-sheet.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the de facto complainant was the mother of the victim who had seen the incident as would be evident from the FIR and the subsequent statement recorded before the learned Magistrate. Several injuries were inflicted on the victim

including fracture injuries on face and a severe head injury that resulted in his death.

Learned counsel for the State opposes the prayer for anticipatory bail and relies on the FIR and other statements of witnesses including two statements, one of the de facto complainant recorded before the learned Magistrate and the other of an independent eyewitness also recorded before the learned Magistrate. He submits that both the statements implicate the present petitioners.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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

(Jay Sengupta, J.)