

07.08.2026

Court No.35.

D/L. 827.

Kausik

(Dismissed)

CRM (A) 1968 of 2026

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 Muchipara Police Station Case No. 110 of 2026 dated June 03, 2026 under Section 342(5)/329(4)/351(2)/6(1) of the BNS, 2023.

And

In the matter of : Debasish Banerjee

.....Petitioner.

Mr. Sabyasachi Banerjee, Sr. Adv.

Ms. Diksha Ghosh

Ms. Ilika Nag

.....for the Petitioner.

Ms. Susmita Mondal

Ms. Sulagna Sarkar

....for the Defacto Complainant.

Mr. Kallol Mondal, PP

Mr. Pritam Roy

Mr. Somnath Bera

Mr. Sreyash Kumar Singh

....for the State.

Learned Senior Advocate appearing for the petitioner submits that petitioner has been foisted with two criminal cases after there has been a change in administration. Petitioner is innocent and the factual background which has been portrayed by the prosecution/investigating agency was in respect of a room, within a college premises, which was within the domain of the police authorities since the declaration of the elections and usage of the same by the police or the paramilitary authorities. There are seizures which have been made by breaking open the door. However the petitioner has no control over the room which is part of the college premises.

Police authorities have referred to seizure of one arms and other alleged incriminating materials which do not connect the present petitioner with the offences complained of.

Emphasis have been made by the learned advocate, on issues relating to political vendetta and the obvious reason for naming the petitioner in the FIR.

Learned Public Prosecutor on behalf of the State submits that petitioner has 11 criminal cases against him ranging from the year 2010 till the year 2017. The list of cases are as follows:

Sl. No.	Case Reference	Present Status
1.	Muchipara PS Case No. 188 dt-28.04.12 u/s-341/323/506 (ii)/427/34 IPC	Charge sheeted on 04.06.21 as (Absconding)
2.	Muchipara PS Case No. 617 dt. 16/11/11 u/s-341/323/324/427/34 IPC.	Charge sheeted on 02.10.12. (For Appearance in the court of Ld. 16 th JM Court, Calcutta)
3.	Muchipara PS Case No.-349 dt-04/07/11 u/s-341/427/34 IPC.	Charge sheeted on 12.10.11. (Charge in the court of Ld. 16 th JM Court)
4.	Muchipara PS Case No. 81 dt-27/02/13 u/s 308/304/109/427 IPC, 11C/11J/11L & 12 WBFS Act.	Charge sheeted on 09.01.2019. (Otherwise disposed on 04.12.2025 in the court of Ld. 19 th JM Court, Calcutta.)
5.	Sec-1 C/NO-81 dt. 17/02/14 u/s-324/427/506/379/114 IPC.	Charge sheeted on 18.06.14.
6.	Muchipara PS Case No.-189 dt-28/04/12 u/s-324/307/427/34, 25(18)(a) Arms Act.	Charge sheeted on 12.06.13. (Supply of copies next date 18.08.2026 in the court of Ld. 16 th JM Court,

		Calcutta).
7.	Muchipara PS Case No. 322 dt. 22/06/10 u/s- 341/324/427/114 IPC	Charge sheeted on 23.09.2010 (Warrant next date-20.08.2026 in the court of 16 th JM Court, Calcutta).
8.	Muchipara PS Case No. 368 dt. 13/09/14 u/s- 147/148/149/323/324/354/ 427/379 IPC.	Charge sheeted on 23.01.16. (For appearance Next Date- 17.07.2026 in the Court of Ld. 19 th JM Court)
9.	Muchipara PS Case No. 288 dt-09/08/17 u/s- 341/323/504/114 IPC.	Charge sheeted on 30.11.18. (Acquitted on 07.12.2023 in the Court of Ld. 19 th JM Court, Calcutta)
10.	Muchipara PS case no. 126 dt. 04.07.2026 u/s- 74/79 B.N.S.	Investigation is on progress.
11.	Ref: Muchipara PS case no: 127 dt. 05.07.2026 u/s- 61(2)/79/308(4)/356(3)/351(3) BNS.	Investigation is on progress.

It has been submitted that because of the clout of the present petitioner, no criminal cases were earlier registered during 2017 to 2025. A reign of terror was operated at the behest of the present petitioner in and around the locality of the college premises which was registered with the change of administration, the principal of the college was compelled to complain, pursuant to which seizures were effected. The seizures i.e. arms and admit cards of PSC exam which were effected in connection with the instant case do call for custodial detention of the present petitioner.

Learned advocate for the defacto complainant is present and opposes the prayer advanced by the petitioner.

I have taken into account the statements of the learned Senior advocate appearing for the petitioner as well as the learned Public Prosecutor. The investigation of the present case is at the nascent stage after the incriminating materials which were recovered by the State. There are antecedents of the present petitioner and some of the incriminating materials, which have been recovered in the present case, require verification or cross-checking by the investigating agency by taking the accused in custody. It appears from the materials collected by the investigating agency that the petitioner forcefully occupied a room of college and used it for questionable purposes. As such, I am not inclined to grant the relief as prayed for.

Consequently, the prayer for anticipatory bail in CRM (A) 1968 of 2026 is **dismissed**.

Memo of Evidence submitted be kept with the record.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)