

21.08.2026
DL-5
Court No.551
[Bench ID-266058]
(AD)

(Dismissed as
not
maintainable)

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

C.R.M. (A) 2442 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kotwali** Police Station Case No.**409 of 2026** dated **08.07.2026** under Sections **316(2)/318(4)/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023 and Sections **3(1)(r)/3(1)(s)/2(v)(a)** of the SC & ST (Prevention of Atrocities) Act, 1989. G.R. No.59 2026 pending before the Ld. District 1st Additional Court, Paschim Medinipur.
And

In the matter of: **Pathik Mallick**

....petitioner

Mr. Milon Mukherjee, Ld. Sr. Advocate
Mr. Viraj Gupta, Advocate
Mr. Ananda Gopal Mukherjee, Advocate

...for the petitioner

Mr. Brajesh Jha, Advocate
Ms. Sreshtha Ghosh, Advocate
Ms. Sanjana Jha, Advocate

... for the State

Mr. Sanjib Bandhopadhyay, Advocate
Mr. Manoj Kumar Mondal, Advocate
... for the de facto complainant

1. Memo of evidence filed in Court be taken on record.
2. It is submitted by the learned Advocate appearing for the petitioner that the petitioner has been falsely implicated in the instant case.
3. Having heard the submissions made on behalf of the learned Senior Advocate appearing for the petitioner, learned Advocate appearing for the de facto complainant and the learned Advocate appearing for the State, it transpires that the instant case has also been initiated under Sections 3(1)(r)/3(1)(s)/2(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989.

4. Learned Senior Advocate appearing for the petitioner, although, submits that the alleged incident of abusing the de facto complainant in the name of his caste has not been perpetrated in public viewing.
5. However, on perusal of the materials in the case diary, I find the things otherwise.
6. In such circumstances, in terms of provisions of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the instant application for anticipatory bail is not maintainable.
7. **C.R.M. (A) 2442 of 2026 is dismissed as not maintainable.**

(Md. Shabbar Rashidi, J.)

ABHIJIT
DAS

Digitally signed
by ABHIJIT DAS
Date: 2026.08.21
17:18:22 +05'30'