

09.09.2025
DL-9
Court No.26
(AD)

CRR 1269 of 2025

In Re.: An application under Section 528 read with Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Sadik Hussain & Anr.

... ..petitioners

Mr. Soumyajit Das Mahapatra, Advocate
Ms. Madhurai Sinha, Advocate
Ms. Upasana Banerjee, Advocate
... for the petitioners

Mr. Rudradipta Nandy, Ld. APP
Ms. Sanjana Saha, Advocate
... for the State

1. Revisional application is directed against the order dated February 20, 2025 by which, the learned jurisdictional Court cancelled interim bail granted to the petitioners on February 6, 2025.
2. Learned Advocate appearing for the petitioners submits that, all provisions of law under which, the charge sheet submitted were present in the First Information Report in the sense that, the last prayer for addition of provisions of Section 317(4) of the BNS was allowed on January 13, 2025. Therefore, on February 6, 2025 when the interim bail was granted, all provisions of BNS under which, the investigations were done, were available to the police. Filing of a charge sheet, therefore, on February 13, 2025 did not alter the situation.
3. Learned Additional Public Prosecutor submits that, the charge sheet was submitted with the graver offence and,

therefore, the learned Judge was correct in cancelling the interim bail.

4. Records made available to Court suggest that, the police applied for adding various provisions of the BNS twice before the jurisdictional Court. The first addition prayer was made on December 2, 2024 which was allowed. The next prayer for adding Section 317(4) of the BNS was made on January 13, 2025 and allowed on such date.
5. Interim bail to the petitioners before us was granted on February 6, 2025.
6. Learned Judge granting interim bail was, therefore, conscious of every provisions of the BNS under which the investigations were being carried out. Police filed charge sheet on February 13, 2025. Charge sheet including, *inter alia*, Section 317(4) of the BNS.
7. As noted above, Section 317(4) of the BNS was added to the First Information Report on January 13, 2025. Therefore, the charge sheet under Section 317(4) of the BNS was not an additional section being added to the investigation subsequent to the grant of interim bail on February 6, 2025.
8. In such view, the impugned order suffers from material irregularity as the learned Judge proceeded on the basis that a graver section was added subsequent to the grant of interim bail.
9. The impugned order dated February 20, 2025 is set aside.
10. Coordinate Bench granted stay of the impugned order dated February 20, 2025.

11. In view of the discussion above, interim bail granted to the petitioner on February 6, 2025 stands restored. Restored interim bail will continue for a period of four weeks from date or until further orders passed by the jurisdictional Court.
12. **CRR 1269 of 2025** is **disposed of** without any order as to costs.

(Debangsu Basak, J.)