

August 21, 2025

10 ARDR
(Rejected)

CRM (M) 1014 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Bhadreswar Police Station** Case No. **462** of **2024** dated **23/11/2024** under Sections **318(4)/336(2)/336(3)/340(2)/ 61(2)/316(5)** of the BNS and Section **12(1)(b)** of the Passport Act and Sections **34/35/52** of the Aadhar Act and Section **23** of the Registration of Birth Death Act.

And

In Re : Md. @ Mohammad Imran
... Petitioner.

Adv. Sabir Ahmed,
Adv. Suman Chakraborty,

... for the petitioner.

Adv. Debasish Roy, Ld. PP,
Adv. Amitra Gaur,
Adv. Soumya Basu Roy Chowdhury,

...for the State.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner filed an application seeking statutory bail on the 61st day of his detention before the learned trial Court. The bail application of the petitioner was filed before the learned trial Court in the morning. In the later part of the day, upon being informed of the bail application, the Investigating officer filed an application intimating the learned trial Court that Section 316(5) of the BNS was added to the existing offences against the petitioner and others. According to learned counsel, since the application for bail was filed earlier in time, the petitioner was entitled to statutory bail despite subsequent addition of Section 316(5) of the BNS. Learned counsel has placed reliance on the authority in M. Ravindran vs. Intelligence Officer, Directorate of Revenue Intelligence reported in (2021) 2 SCC 485, wherein the Hon'ble Supreme Court has observed that the accused exercised his option to obtain bail by filing an application at 10.30 am on 181st day

of his arrest. The Public Prosecutor had not filed an application seeking extension of time to investigate into the crime prior to the said application. Under such circumstance, the accused was released on bail.

The fact situation in the present matter can be distinguished from that of the judgment relied upon. Herein, both the applications, one seeking statutory bail and the other intimating addition of Section 316(5) of the BNS, were filed before the learned Court on the same day, i.e. on 11th March, 2025. The applications were taken up for consideration by the learned trial Court together and by a common order, the bail prayer of the petitioner was turned down on account of addition of graver section. Both the applications having been filed on the same day and the time for filing each of the applications not being indicated, it cannot be said that bail application was filed prior to the application filed by the Investigating officer.

Learned counsel for the State takes this Court to the relevant page of the Case Diary wherefrom it is found that an intimation for addition of Section 316(5) of the BNS was sent to the learned Additional Chief Judicial Magistrate, Chandannagore through the GRO on 10th March, 2025, meaning thereby, that such intimation was in fact sent to the Court prior to filing of the bail application by the petitioner.

Since both the applications were taken up for consideration on the same date by the learned Court, it cannot be said that the bail application seeking statutory bail was filed prior in time than the intimation sent by the Investigating officer.

In view thereof, the petitioner was no longer entitled to statutory bail.

On merits, bail prayer of the petitioner was turned down by this Court as recently as on 14th May, 2025. There being no change in circumstance of the case which warrants a favourable order for the petitioner at this stage, the prayer for bail is rejected at this stage.

The application for bail is disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)