

14.08.2025
SL.238
Ct.No.28
NB

CRM (A) 2937 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with New Market P.S. Case No.138 of 2025 dated 11.08.2025 under Sections 224/351(2)/352/353(1) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Chief Judicial Magistrate, Calcutta.

And

In the matter of: Ashok Dinda @ Ashok Kumar Dinda.
.... petitioner

Mr. Sekhar.Kumar Basu Sr.Adv.,
Mr. Billawadal Bhattacharyya Sr.Adv.,
Mr. Debanca Das,
Mr. Moyukh Mukherjee,
Ms. Swheta Maity,
Mr. Koustav Lal Mukherjee,
Ms. Sagnika Banerjee,
Ms. Sarmistha Basak.
...for the petitioners.

Mr. Kalyan Bandopadhyay Sr.Adv.,
Mr. Debasish Ray Id.PP.,
Mr. Rudradipta Nandy,
Mr. Iqbal Kabir.
...for the State.

Learned senior counsel representing the petitioner submits as follows. The petitioner is a former cricketer and presently a Member of the Legislative Assembly from the opposition political dispensation of the State. It is alleged that on the particular date and time, the petitioner gave a very provocative speech, which according to the FIR was derogatory, provocative and posed a clear threat to law and order machinery. No offence is made out as would be evident from a plain reading of the First Information Report and any further continuation of

the proceeding shall be an abuse of the process of Court. Surely, custodial interrogation is not required in case of such allegations.

Learned senior counsel representing the State denies the allegations and strongly opposes the prayer for anticipatory bail. He submits that the statements were made in complete bad taste and by using foul language. Such threats are not to be taken casually. A notice has been issued upon the petitioner.

It will be for the Courts to finally decide whether the ingredients of the alleged offences, particularly of Section 353 (1), are made out here.

However, considering the nature of allegations and the materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and the petitioner shall meet the Investigating Officer as and when required and shall not threaten or intimidate witnesses.

The application for anticipatory bail being **CRM (A) 2937 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)