

25.08.2025
Court No.28
Item No.334
tbsr
Allowed

CRM (A) 3007 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **South Port** P.S. Case No.**100 of 2024** dated **27.08.2024** under Sections **189(2)/191(3)/190/121(1)/132/61(2)** of the BNS read with 3 PDPP Act and 9 WB MPO Act.

And

In the matter of: Prabir Kumar Das

....Petitioner.

Mr. Moyukh Mukehrjee
Ms. Sagnika Banerjee
Ms. Sarmistha Basak
...for the petitioner.

Mr. Debasish Roy, Id. PP
Mr. Rudradipta Nandy, Id. APP
Ms. Nandini Chatterjee
.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. A protest march over the issue of horrific murder of a lady doctor at the R.G. Kar Hospital to the Nabanna took place last year. An FIR was started on 27.08.2024. However, a notice under Section 35(3) of the BNSS is now being given asking the petitioner to attend the Investigating Officer.

Learned counsel appearing on behalf of the State opposes the prayer and relies on an order of a Coordinate Bench passed on 08.08.2025 in WPA 18220 of 2025. He submits that the person upon whom the direction was given by the Coordinate Bench had violated such order.

The petitioner, however, is a different person.

Considering the materials available in the case diary and the fact that a belated notice is now being served for a case that was started way back in August, 2024, I am inclined to grant anticipatory bail to the petitioner.

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall cooperate with investigation, meet the I.O. as and when required and shall not threaten or intimidate witnesses in terms of the order dated 08.08.2025 passed by a Coordinate Bench in WPA 18220 of 2025, the petitioner shall attend the Investigating Officer within a week from receipt of notice that may be issued by the Investigating Officer within a week.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)