

22.01.2025.
Sl. No.20.
Ct. No. 1
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri

C. R. M. (A) 35 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Matigara Police Station Case No. 747 of 2024 dated 21.12.2024 under Sections 329(3)/115(2)/117(2)/303(2)/326(g)/3(5)/351(2)/111(2)(b) of BNS.

And

In Re: **MD. Salman and Ors.**

..... Petitioners

Mr. Rakesh Kr. Sharma,
Mr. Janardan Periwal.

.....for the petitioners

Mr. Ujjwal Luksom,
Ms. Namrata Das.

.....for the State

Mr. Sayan De,
Ms. Esha Acharya,
Mr. R. Chakraborty,

....for the de facto complainant

1. Petitioners have approached this Court praying for anticipatory bail. Admittedly, they had been released on interim bail in the same case earlier. While on interim bail a series of criminal cases alleging similar offences were registered against them. Offence under Section 111 of BNS was also added to the array of offences in the FIR. Taking note of their post-bail conduct i.e. registration of number of similar cases as well as addition of the graver offence under Section 111 of BNS, jurisdictional Magistrate by order dated 06.01.2025 cancelled their interim bail and issued warrant of arrest.

2. It is contended the subsequent cases are false and ingredients of Section 11 of BNS are not disclosed as none of the accused have been charge sheeted.

3. Once the petitioners had been arrested earlier and released on regular bail which came to be cancelled on the ground that they had indulged in similar offences and upon addition of graver offence under Section 111 of BNS, we of the considered opinion prayer for pre-arrest bail is not maintainable.

4. It is open to the petitioner to seek appropriate remedy in accordance with law.

5. Needless to mention this Court has not stayed the execution of warrant of arrest against the petitioners.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)