

22.5.2025
SL No.2
Court No.1
(tk)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 319 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the matter of : **Bhabatosh Sarkar and Ors.,**
...Petitioners.

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya,
Ms. Mrinmayee Das,
...for petitioners.

Mr. Saikat Chatterjee,
Mr. Chattu Roy,
..For State.

1. The application for anticipatory bail is made on the ground that the de facto complainant was not an eye witness and the complaint is based on hearsay.
2. It is further submitted that most of the sections, except section 326(g) of the BNSS, are available.
3. This Court has carefully considered the records in the case diary. The case diary is returned.
4. This Court, however, notes that any act of arson by anyone, more so, at the office of a political party is wholly unacceptable.
5. Learned counsel for the Public Prosecutor submits that several eye witnesses, namely the local fishermen, have seen the incident. The statements under section 161 of the CrPC equivalent to section 180 of the BNSS have been recorded. He,

therefore, vehemently opposes grant of anticipatory bail to the petitioners.

6. This Court finds that each of the petitioners have been named in the FIR. Their participation in the investigation and trial is vital and necessary. Grant of anticipatory bail would ensure such participation.
7. This Court is inclined to grant anticipatory bail to the petitioners.
8. In the event of arrest, the petitioners and each of them shall be enlarged on bail bond of Rs.5000/- and two sureties each of the same amount, one of whom must be local.
9. The petitioners shall cooperate in the investigation and attend the Investigating Officer at the police station as and when summoned.
10. The other conditions stipulated under section 438 of the CrPC (482(2)) of BNSS shall be applicable to the petitioners.
11. The petitioners shall not leave the jurisdiction of Boxirhat Police Station, Coochbehar without the express permission in writing of the Investigating Officer.
12. With the aforesaid directions, CRM(A)/319/2025 stands disposed of.

(Rajasekhar Mantha, J.)