

16.12.2025
Court No.01
Item No.09
Avijit Mitra

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH
AT JALPAIGURI**

CRM (A) 830 of 2025

In Re:- An application under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita, 2023;

And

In Re: Nur Hossain @ Nur Hossain Miah & anr.

-Petitioners

Mr. Sudip Guha

...for the Petitioners

Mr. Saikat Chatterjee,

Mr. Chattu Roy

...for the State

Apprehending arrest in connection with Sahebganj Police
Station Case No.525 of 2025 dated 09.09.2025 under Sections
75/126(3)/351(3)/329(4)/64(1)/62/117(2)/3(5) of the Bharatiya
Nyaya Sanhita, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioners
submits that the present complaint had been lodged as
counterblast to an earlier complaint lodged by the wife of the
petitioner no.1. The petitioners have been falsely implicated and
upon completion of investigation, chargesheet has already been
submitted. In view thereof, the petitioners may be granted
anticipatory bail on any condition.

Mr. Roy, learned advocate appearing for the State opposes
Mr. Guha's prayer and submits that specific overt acts have
been attributed to the petitioners and there are strong
incriminating materials on record against them.

Heard the learned advocates appearing for the respective parties.

Records reveal that upon completion of investigation chargesheet has been submitted. However, *prima facie*, the ingredients of Section 64(1) of BNS are not attracted against the petitioner no.2. In view thereof, custodial interrogation of the petitioner no.2 is not necessary.

Accordingly, I direct that in the event of arrest the petitioner no.2, namely, **Latif Miah** 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 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita.

However, there are strong incriminating materials on record against the petitioner no.1 and the ingredients of Section 64(1) of the BNS are, *prima facie*, attracted against him. In view thereof, I am not inclined to exercise any discretion in favour of the petitioner no.1 and his prayer for anticipatory bail is rejected.

Accordingly, the application for anticipatory bail, being CRM (A) 830 of 2025, is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tapabrata Chakraborty, J.)