

04.02.2026
Ct. No. 28
Sl. No.43
SG

C. R. M. (A) 164 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haringhata Police Station Case No.137 of 2025 dated 07.03.2025 under Sections 329(3)/115(2)/117(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1-B)(a) of the Arms Act.

And

In Re: ***Jakir Hossain Mondal.***

... .. Petitioner

Mr. Shibaji Kumar Das,
Ms. Maityayee Das.

... .. for the petitioner

Mr. Prasun Kumar Datta,
Mr. Subhasish Datta.

... .. for the State

1. Learned counsel appearing on behalf of the petitioner submits that this is a second application for anticipatory bail because there are substantial changes in circumstances. First, charge-sheet has now been submitted omitting the charge of attempt to murder. Secondly, the expert's report shows that the arm allegedly recovered was not in working condition. He submits that the petitioner has been falsely implicated in this case.
2. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that according to the expert's opinion, the arms seized was not in working condition. Moreover, there is no injury report present in the case diary.
3. Considering the fact that the charge of attempt to murder has been omitted from the charge sheet, and in view of the expert's opinion that the arms seized was not in working condition, this Court is of the view that there are material changes in circumstances so as to entertain the second application for anticipatory bail.

4. Considering the above, the other materials available in the case diary, the expert's report, the absence of any injury report and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner.

5. 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 conditions that the petitioner shall surrender before the learned jurisdictional Court within four weeks from this date and pray for bail and shall attend the jurisdictional Court regularly and shall not threaten or intimidate witnesses.

6. The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)