

05.02.2026  
Sl. No.79  
Ct. 28  
NB

**C.R.M (A) 232 of 2026**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Shamsheganj PS Case No.263/2025 dated 16.04.2025 under Sections 326(3) of BNS, 2023.

And

In the matter of: Uttam Kumar Ghosh & Anr.

... petitioners

Mr. Moyukh Mukherjee,  
Ms. Sagnika Banerjee.  
...for the petitioners.

Mr. Iqbal Kabir,  
Mr. S. Ganguly..  
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. in the month of May, 2025, there was an agitation made by members mainly of a particular community against the Wakf Bill. The petitioners were at the receiving end. Persons belonging to the other community were assaulted and their properties were damaged. The petitioner no.1 lodged a complaint although through email, but the same was not acted upon. The petitioners and others filed a writ petition before the Hon'ble Division Bench of this Court. Pursuant to a direction passed by the Division Bench, an FIR was registered. Afterwards, the petitioners have come to know that an FIR has been lodged against the members of the petitioners' community alleging that as if on the same day, when this agitation was going on, the accused in this

case had damaged properties and shops belonging to the other community. The petitioners however, have not been specifically named in the FIR.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that there are statements of witnesses belonging to one community who stated that the petitioners and others had damaged their houses. However, there is no injury report available in the case diary. The seizure list present in the case diary shows seizure of unspecified amount of burnt articles.

Considering the above, the other materials available in the case diary and the fact that the petitioners had earlier moved this Court to have an FIR registered in connection with offences committed against them at the particular time, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall meet the Investigating Officer once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

**(Jay Sengupta, J.)**