

06.04.2026
Sl. No.362
Ct. 28
NB

C.R.M (A) 358 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 Tamluk PS Case No.37/2026 dated 15.01.2026 under Sections 152/197/196/212/217/236/343/353(2)/61 of BNS, 2023.

And

In the matter of: Bamdev Guchait & Anr. ... petitioners

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

Mr. Kalyan Bandyopadhyay Sr.Adv.,
Mr. Debasish Roy Id.PP.,
Mr. Rudradipta Nandy, Id.APP,
Mr. Aniket Mitra,
Mr. Arko Nag.
...for the State.

Report filed on behalf of the State is taken on record and kept in a sealed cover.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been falsely implicated in this case due to political vendetta. They are absolutely innocent. The only non-bailable charge against the petitioners is that they are allegedly trying to create communal disharmony by making applications/complaints before the concerned authorities to have the names of certain persons deleted from the Electoral Roll on the allegation that they were fake voters. As per Section 31 of the Representation of People Act, 1950, any false declaration made would be punished with the term of imprisonment, which may extend to one year or with fine or with both. Instead, the

petitioners have been unnecessarily charged with an offence relating to creation of disharmony between communities, which is not even prima facie maintainable. Filing complaints cannot be equitable with creating disharmony. During pendency of this application, the petitioners have cooperated with the investigation and have met the Investigating Officer when called for. Specimen signatures have also been taken from the petitioners.

Learned senior counsel representing the State strongly opposes the prayer for anticipatory bail. He submits that there is larger conspiracy hatched up by the petitioners and others to create disharmony amongst people by filing such false applications. The petitioners are not even residing within the jurisdiction of the concerned booth. Interestingly, the deletions were sought in respect of electors, all of whom belonged to a particular community.

It will be for the Courts to finally decide whether the provisions of Section 196(1) of the BNS would apply in the present case or not.

However, considering the materials available in the case diary and the fact that the petitioners have cooperated with the investigation during the pendency of this matter, 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 shall meet the Investigating Officer as and when required.

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.)