

16.04.2026
Court No.28
Item No.61
tbsr
Reject

CRM (A) 623 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **English Bazar** P.S. Case No. **186 of 2026** dated **09.02.2026** under Sections **329(4)/324(5)/303(2)/109/223/290/351(2)/61(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Rajib Sharma @ Rajib Saha

....Petitioner.

Sk. Mustafi Rahaman
Ms. Saswati Manna
...for the petitioner.

Mr. Saibal Bapuli, Id. APP
Mr. Subham Bhakat
.....for the State.

Mr. Biswaranjan Bhakat
Ms. Shivani Pandey
....for the de facto complainant

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a total outsider to the incidents which led to the registration of the present FIR. He is a paints manufacturer. It is alleged that a building was demolished by the landlord and others in violation of this Court's order. Incidentally, no injury was caused to anyone.

Learned counsel appearing on behalf of the de facto complainant submits as follows. The de facto complainant is a tenant at the said premises. By an order passed by a Co-ordinate Bench of this Court on 19.11.2025 in WPA 1064 of 2025, it was made clear that the order of demolition passed by the Municipality should only be treated as a no objection certificate and did not give any authority to the respondent no. 6 therein i.e, the landlord, to demolish the premises on the strength of any order passed by the Municipality. In other

words, it was for the Municipality to execute the order of demolition, if at all, and not for anyone else to do so. However, it is alleged that the landlord, in conspiracy with and active cooperation of the present petitioner, who was the promoter in question, caused the structure to be demolished in violation of the Court's order. The JCBs in question were allegedly arranged by the present petitioner. In fact, when the victims tried to stop the JCBs from demolishing, there was an attempt to run them over.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses and the seizure memos. He particularly refers to the statements of the witnesses present at page 20, 21 and 23 of the case diary, which clearly implicate the present petitioner. The two drivers of the JCBs have been arrested and their statements have also been recorded.

Considering the above, the other incriminating materials available in the case diary and the alleged role ascribed to the present petitioner, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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.)