

08.04.2026
Sl. No.81
Ct. 28
NB

C.R.M (A) 761 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 Kharagpur Local PS Case No.436/2025 dated 11.05.2025 under Sections 324(2)/115(2)/76/351(3)/3(5) of the BNS, 2023.

And

In the matter of: Prem Senapati @ Prasanta Senapati & Ors.
... petitioners

Mr. Arnab Kumar Neogi,
Mr. Anirban Saha,
Mr. Sourav Samanta.
...for the petitioners.

Mr. Subhamay Bhattacharya,
Ms. Pallavi Priyadarshi.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been falsely implicated in this case because of political reasons. Even the only non-bailable provision contained in the FIR is not made out in the present facts and circumstances of the case.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He relies on the statements of the victim recorded before the learned Magistrate and the statements of other witnesses, as were as on the photographs present in the case diary and the injury report which, however, does not show infliction of any serious injury. Charge sheet has been submitted.

The injury report mentions that the physical assault was committed by one Kamal Nayak, who is not before this Court.

Considering the above, the other materials available in the case diary, and the fact that charge sheet has already been submitted, although I am inclined to grant anticipatory bail to the present petitioners their movements shall remain restricted for a limited period.

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 not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall stay outside the jurisdiction of Kharagpur Local Police Station for a period of four months except for meeting the Investigating Officer or attending the jurisdictional Court, and except for casting vote on the date of election.

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.)