

AD 59
April 30, 2026
Ct. 28
SG

Allowed

CRM(A) 858 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haringhata P.S. Case No.827 of 2025 dated 08.12.2025 under Sections 61(2)/217/230/356(2)/3(5) of the BNS, 2023.

And

In the matter of: *Archita Mondal and another* ... petitioners

Mr. Moyukh Mukherjee
Mr. Sarthak Mondal

... for the petitioners

Ms. Sreyashee Biswas
Mr. Subham Bhakat

... for the State

Mr. Ayan Bhattacharya
Mr. Shibaji Kumar Das
Ms. Deblina De

... for the de facto complainant

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case with sheer malice. The alleged victim is the Principal of a school. There is a wrong allegation levelled under Section 230 of the BNS, which relates to false evidence given in a case of procuring capital punishment. Another wrong charge made under Section 217 of the BNS which relates to false information given to public servant. None of these charges are even prima facie maintainable. Yet, the FIR was registered on the basis of such allegations and investigation is going on. This is a complete abuse of the process of Court. In any event, an action of criminal defamation, if at all,

would lie by way of a complaint case. Reliance is placed on the decision of *Subramanian Swamy vs. Union of India*, reported at (2016) 7 SCC 221. The petitioners have also complied with the notice under Section 35(3) of the BNS.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel for the State submits that perhaps the provisions imputed were not proper. It has to be explored as to which non-cognizable sections may be applied in this case. He relies on the materials available in the case diary.

At this stage, the recording officer of the FIR, Mr. Partha Mondal, and the former investigating officer, Mr. Biplab Mondal tender their unconditional apology for applying the wrong provisions of law and for continuing investigation into the same.

Considering the above, the other materials available in the case diary and the fact that the petitioners have cooperated with the investigation of this case, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on their personal bond.

The application for anticipatory bail is, thus, allowed.

Personal appearance of the recording officer and the former investigating officer is noted and is dispensed with.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)