

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 7749 OF 2026

KRISHNA SINGHA RAY
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Suman Chakraborty, Adv.
...for the Petitioner

Mr. Suman Ghosh, Adv.
Mr. Sankha Prasad Roy, Adv.
...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner and the State respondents.
3. It is contended by the learned advocate representing the petitioner that respondent no.6 needs to be arrested immediately since application for pre-arrest bail of the respondent no.6 was rejected *vide* order dated 10th February, 2026 by the learned Sessions Judge, Hooghly.
4. It is submitted on behalf of the petitioner that based on complaint of the petitioner a criminal prosecution being Khanakul P.S. Case No.798 of 2025 dated 11th February, 2025 was initiated under Sections 126(2)/ 115(2)/ 117(2)/ 76/ 303(2)/ 352/ 3(5) of Bharatiya Nyaya Sanhita, 2023.

5. It is further submitted on behalf of the petitioner that in spite of rejection of pre-arrest bail application of the respondent no.6 *vide* order dated 10th February, 2026, till date respondent no.6 has not been arrested.
6. Prayer is made in this writ petition for issuance of mandamus directing the concerned police authorities to arrest the respondent no.6 immediately.
7. Learned advocate representing the State respondents has filed a communication dated 6th April, 2026 of Officer-in-Charge, Khanakul Police Station, Hooghly and same is taken on record. Copy of the said communication dated 6th April, 2026 is made over to the learned advocate representing the petitioner.
8. It is disclosed in the said communication dated 6th April, 2026 that in connection with Khanakul P.S. Case No.798 of 2025 dated 11th February, 2025, charge-sheet was filed being no.75 of 2026 dated 28th February, 2026 under Sections 126(2)/ 115(2)/ 117(2)/ 76/ 352/ 3(5) of Bharatiya Nyaya Sanhita, 2023.
9. In addition thereto it is also submitted on behalf of the State respondents that respondent no.6 is suffering from cardiac disease and in support of same medical documents are annexed to the communication dated 6th April, 2026 filed today.

10. A medical document dated 16th August, 2025 filed today along with the communication goes to show that respondent no.6 is suffering from myocardial infraction and Coronary Artery Bypass Grafting (CABG) was done on 11th August, 2025.
11. It is true that pre-arrest bail application of the respondent no.6 was rejected by the learned Sessions Judge, Hooghly *vide* order dated 10th February, 2026 while other co-accused persons were granted anticipatory bail but, at the same time, it needs to be taken into consideration that pre-arrest bail application of the respondent no.6 was rejected on 10th February, 2026 whereas charge-sheet in connection with Khanakul P.S. Case No.798 of 2025 dated 11th February, 2025 was submitted on 28th February, 2026, which is subsequent to rejection of the pre-arrest bail application.
12. In view of filing of charge-sheet, Court is not inclined to accept the contention of the petitioner that respondent no.6 is required to be arrested immediately.
13. However, respondent no.6 is directed to appear before the Trial Court on the dates of trial regularly failing which appropriate steps shall be taken by the concerned police authorities.

14. With the above observations and directions writ petition stands disposed of.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)