

24.06.2026
Court No.28
Item Nos.6 & 7
tbsr
Partly Allow

CRM (A) 1094 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Khanakul** P.S. Case No.**578 of 2025** dated **17.08.2025** under Sections **126(2) / 115(2) / 117(2) / 303(2) / 324(2) / 352 / 109 / 351(3) / 3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Subhas Hazra & Anr.

....Petitioners.

With

CRM (A) 1100 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Khanakul** P.S. Case No.**579 of 2025** dated **17.08.2025** under Sections **121(2)/132/189(2)/190/191(2)/221/223** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Subhas Hazra

....Petitioner.

Mr. Niladri Sekhar Ghosh

Ms. Labani Sikder

Mr. Souvik Dey

...for the petitioner (in both the cases)

Mr. Krishnendu Bhattacharya, ld. APP

Mr. Koustav Lal Mukherjee

...for the State in CRM (A) 1094 of 2026.

Mr. Krishnendu Bhattacharya, ld. APP

Mr. Somnath Adhikary

...for the State in CRM (A) 1100 of 2026.

The two applications being CRM (A) 1094 of 2026 and CRM (A) 1100 of 2026 are taken up for hearing together as they arise out of the same Police Case.

Learned counsel appearing on behalf of the petitioners submits as follows. Over the same incident, the alleged victim started the first case being Khanakul P.S. case No. 578 of 2025. Subsequently, a suo

motu case was started by the police being Khanakul Police Station case no. 579 of 2025. Both the cases relate to the same set of incidents. However, there are somewhat different versions given in the two. While in the first police case, the victim stated that the accused had assaulted the injured, in the second case, the police gave a version that there was a fight between two groups and some injuries were inflicted. The second case cannot exist in the eye of law. The petitioners have been falsely implicated due to political rivalry.

Learned APP representing the State relies on the case diary and opposes the prayer for anticipatory bail. He points to the statements of witnesses and the injury reports. In one of the injury reports that is common in both the cases, being that of Jamsed Mallik, the victim categorically stated that he was physically assaulted by the petitioner no. 1, Subhas Hazra. The injury report revealed that there was a serious cut injury inflicted on a vital part of the body, like the head, which required stitches for repair.

Considering the above and the other materials available in the case diary, while I am inclined to grant anticipatory bail to the petitioner no. 2 in CRM (A) 1094 of 2026, the application for anticipatory bail of the petitioner no. 1 (Subhas Hazra) is rejected. However, since the cases relate to the same facts and a second FIR over the same facts may not be found maintainable, I am inclined to grant anticipatory bail to the petitioner in CRM (A) 1100 of 2026.

In the event of arrest, the petitioner no. 2 (Biswakarma Sasmal) in CRM(A) 1094 of 2026 and the petitioner (Subhas Hazra) in CRM(A) 1100 of 2026 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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that they shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the I.O. 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.)