

AD 277  
April 9, 2026  
Ct. 28  
SG

CRM(A) 1092 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chatterjeehat P.S. Case No.44 of 2026 dated 08.03.2026 under Sections 106(1)/3(5) of the BNS, 2023.

And

In the matter of: Dr. Sk. Soyab Alam

... *petitioner*

Mr. Sandipan Ganguly, Sr. Adv.

Ms. Priyanka Sarkar

Mr. Syed Murshid Alam

Mr. Syed Chandan Hossain

Ms. Resma Khatun

Mr. Subrata Ghosh

... for the petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Amanul Islam

... for the State

Mr. Shibaji Kumar Das

Mr. Supriya Das

... for the de facto complainant

Copy of the certified copy of the order sheet filed by the petitioner is taken on record.

Learned senior counsel representing the petitioner submits that although the case was initially started under Section 106(1) of the BNS, a prayer was subsequently made to add Section 105 of the BNS, which is cognizable. However, such prayer has not yet been acceded to. The investigation is presently going on under the earlier provision, which is bailable. In such event, the anticipatory bail application would not be maintainable at this stage. If

Section 105 of the BNS has already been added, then the matter may be considered on merits.

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

Learned counsel for the State submits, upon instruction and upon reference to the case diary, that the case at hand is presently proceeding only under Sections 106(1) and 3(5) of the BNS. However, such instructions were last given to the learned counsel on the 3<sup>rd</sup> of this month.

Thus, there is nothing on record to show that Section 105 of the BNS has been added to the array of charges in this case.

Accordingly, the application for anticipatory bail is disposed of as not maintainable.

However, this order shall not preclude the petitioner from filing a fresh application for anticipatory bail on the selfsame grounds, if a non-bailable charge is added in this case in future. In the event of such addition of charge, a clear notice of ten days shall be given by the investigating officer to the present petitioner.

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

**(Jay Sengupta, J.)**

