

18.05.2026

DL-48

Court No.37

(Rejected)
(AD)

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Appellate Side

CRA (DB) 204 of 2026

In re: An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Mothabari Police Station Case No.256 of 2026** dated **02.04.2026** under Sections **109/121/121(2)/126(2)/127(2)/132/189(2)/190/221/223/24/324(4) & 351(2)** of Bharatiya Nyaya Sanhita read with Section **3** of the Prevention of Damage to Public Property Act and Section **9** of Maintenance of Public Order Act further renumbered FIR as RC-14/2026NIA/DLI, registered as NIA 8 of 2026 pending before the Learned Chief Judge, City Sessions Court, Calcutta.

-And-

In the matter of : Moulana Sahajahan Ali @ Moulana Sahajan Ali

... ...Appellant

Mr. Bikash Ranjan Bhattacharyya, Ld. Sr. Advocate
Mr. Samim Ahmed, Advocate
Mr. Arka Ranjan Bhattacharya, Advocate
Md. Nazimuddin Siddique, Advocate
Mr. Asif Ikbal Baidya, Advocate
Ms. Huma Shakil, Advocate

... for the Appellant

Mr. Arun Kumar Maiti (Mohanty), Spl. PP, NIA
Mr. Bhaskar Prosad Banerjee, Spl. PP, NIA
Mr. Debayan Sen, Spl. PP, NIA
Mr. Debashis Tandon, PP, NIA
Ms. Deeba Nomani, PP, NIA

... for the NIA

1. Appeal essentially contains a prayer for bail in respect of investigations undertaken by the National Investigation Agency (NIA) established under the provisions of the National Investigation Act, 2008.
2. Appeal is specially assigned to this Bench by the order of the Hon'ble the Chief Justice dated May 8, 2026.

3. Learned Senior Advocate appearing for the appellant submits that, the Hon'ble Supreme Court directed NIA to undertake the investigations although, the offences concerned do not fall within the schedule of the Act of 2008. He submits that, further detention of the appellant is not required in view of the fact that the investigations are over. In any event, the nature of offence does not require prolonged incarceration of the appellant.
4. Learned Advocate appearing for the NIA submits that, Hon'ble Supreme Court took *suo moto* cognizance of the safety and security of Judicial Officers deputed for work relating to SIR of electoral rolls in the State of West Bengal and ancillary issue which was registered as *Suo Moto Writ Petition (Civil) No.3 of 2026*. He refers to the orders passed by the Hon'ble Supreme Court from time to time therein. He submits that, by the order dated May 11, 2026, the Hon'ble Supreme Court directed NIA to complete the investigations at the earliest, preferably within a period of two months and submit its report before the Court of competition jurisdiction.
5. Learned Advocate appearing for the NIA submits that, the investigations are yet to be concluded. He contends that, pending the on-going investigations, the appellant should not be released on bail.
6. Referring to the materials in the case diary, learned Advocate appearing for the NIA submits that the involvement of the appellant transpires therefrom. The

appellant was at the place of occurrence and at the time of occurrence. He was instrumental in instigating the crowd to undertake the offences which are under investigations. He refers to the statements of at least two protected witnesses and a police personnel who identified the appellant to be present at the time and place of occurrence.

7. In Suo Moto Writ Petition (Civil) No.3 of 2026, Hon'ble Supreme Court passed several orders.
8. By an order dated April 6, 2026, Hon'ble Supreme Court entrusted the investigations of various First Information Reports lodged with regard to incidents occurring at Mothabari. Incidents relate to the safety and security of Judicial Officers deputed for work relating to SIR of electoral rolls in the State of West Bengal.
9. The appellant was arrested by the police and was taken into custody by NIA subsequent to NIA taking over the investigations.
10. Materials in the case diary suggest involvement of the appellant in the offences alleged and being investigated into by NIA. Two protected witnesses recorded statements identifying the presence of the appellant at the place and time of occurrence. One police personnel recorded statement identifying the appellant to be present at the place and time of occurrence.
11. Protected witnesses as also the police personnel described the involvement of the appellant in the incidents.

12. Electronic evidence in the case diary also places the appellant at the time and place of occurrence. Electronic evidence in the case diary corroborates the statements recorded by the protected witnesses as also the police personnel.
13. Call Details Recording (CDR) establish that the appellant was in constant contact with co-accused.
14. Considering the gravity of the offences, Hon'ble Supreme Court directed investigation by the NIA.
15. The order dated May 11, 2026 permitted NIA to conclude the investigations preferably within a period of two months and submits its report before the Court of competent jurisdiction.
16. Investigations are yet to be over. NIA is yet to submit its report before the Court of competent jurisdiction.
17. Considering the gravity of the offences and the involvement of the appellant therein as transpiring from the materials in the case diary, the period of custody of the appellant and the fact that the investigations are still in progress, we do not find it expedient to enlarge the appellant on bail.
18. The prayer for bail of the appellant is **rejected**.
19. **CRA (DB) 204 of 2026** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)