

18.05.2026
Court No.28
Item No. 49
tbsr
Allowed

CRM (A) 1253 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kotwali** P.S. Case No.**384 of 2026** dated **12.04.2026** under Sections **248/331(2)/351/352/353(1)/356/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Santu Paul @ Santu Pal & Ors.

....Petitioners.

Mr. Pradipta Kr. Ganguly
Mr. Arnab Chatterjee
Mr. Avik ghosh
...for the petitioners

Mr. Amitabha Ghosh
....for the de facto complainant

Mr. Krishnendu Bhattacharyya
.... Amicus

Memo of evidence filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the neighbours of the de facto complainant who happens to be a Judicial Officer. The said Officer had made an illegal construction to which the neighbours protested. But he has not paid any heed. There is mass petition in this regard made by the several residents of the locality. However, without prejudice, the petitioners undertake that the petitioners would not be causing any publication of this matter in the social media unlike as had been allegedly done earlier and would desist from creating any law and order situation in the locality.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that if

the petitioner was aggrieved with the construction, he could have fairly made a complaint before the Municipal authorities. Instead, he chose to threaten and intimidate the de facto complainant and make defamatory publications live on the social media.

Learned Amicus assisting the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the statements of witnesses and the other materials available in the case diary.

Considering the above, the other materials available in the case diary and the fact that, the petitioners have submitted that they would not be creating any law and order situation or make defamatory publications in the social media in future, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners 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 the petitioner shall cooperate with investigation, shall not threaten or intimidate witnesses and the petitioner nos. 1 and 3 shall meet the I.O. once a week till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

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.)