

23/04/2026
S/L - 1
Court No.28
S. Kundu
Rejected

C.R.M.(A) 1244 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with the proceeding being RC-11/2026/NIA/DLI dated 01/04/2026 under sections 189(2)/118(1)/109(1)/288/3(5) of the BNS and Sections 3/4 of the Explosive Substances Act.

In the matter of: Shanku Nayak & Ors.

...Petitioners.

Mr. Sabyasachi Banerjee
Mr. Ayan Poddar

...for the petitioners.

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Ms. Sagnita Banerjee

...for the de-facto complainant.

Mr. Rajdeep Mazumder
Mr. Arun Maity (Mohanti)
Mr. Debayan Sen
Mr. Debasish Tandon
Mr. Deeba Nomani

...for the NIA.

1. Upon mentioning on behalf of the petitioners today i.e., on 23/04/2026 in the morning, leave was granted to the four petitioners to file an application for anticipatory bail. After being filed, the application is being taken up hearing in the supplementary list at 2.00 p.m.
2. Learned senior counsel appearing on behalf of the petitioners, upon instructions, submits as follows. The petitioners had sought leave for filing an application for anticipatory bail on 17/04/2026 before this Court. But, the same was refused. So, an application was filed under Article 32 of the Constitution of India before the Hon'ble

Supreme Court praying for necessary relief. The matter was taken up for hearing on 22/04/2024 at 4.00 p.m. The Hon'ble Apex Court was pleased to record that an anticipatory bail application which had been filed on 17/04/2026 was pending before this Court. This Court was requested to take up the matter on the very next date i.e., on 23/04/2026. However, the present petitioners did not submit that an application for anticipatory bail had been filed on 17/04/2026 and the same was pending. This would be clear from the pleadings made before the Hon'ble Apex Court. Actually, no application was filed before this Court on 17.04.2026, but a leave was only sought.

3. Learned senior counsel appearing on behalf of the NIA submits as follows. A false submission was made on behalf of the petitioners before the Hon'ble Supreme Court that the four petitioners had filed an application for anticipatory bail on 17/04/2026, which was pending, although such averment was not there in the petition. Now, it is learnt that one of the present petitioners namely, Sk. Mafijul Islam had filed a defective petition on 17/04/2026. That is why the same did not appear in the list. The defect was cured only on 22/04/2026. This fact was also neither disclosed during mentioning in the morning nor in the present petition. Therefore, effectively the application now being taken up for hearing is a

second application for anticipatory bail so far as the petitioner no. 3 namely, Sk. Mafijul Islam is concerned and therefore, the same should be dismissed as not maintainable. It is surprising that leave was sought for moving the application for anticipatory bail before this Court. From after 30/03/2026 all fresh applications for anticipatory bail are being taken up by this Bench first and mostly on the first day they appear in the list.

4. Learned counsel appearing on behalf of the de-facto complainant opposes the prayer for anticipatory bail. He submits that there is even a false declaration made in the present application for anticipatory bail at paragraph no. 1. There, it has been falsely averred that no earlier application for anticipatory bail had been filed before this Court by the petitioners. This is despite the fact that the petitioner no. 3 did file an application for anticipatory bail, which did not come up in the list as the same was defective.
5. At this stage, learned senior counsel appearing on behalf of the petitioners, submits that neither he nor the learned advocate on record of the present application had any idea that any prior application had been filed by the petitioner no. 3.
6. It appears that some sharp practices might have been exercised in this matter on behalf of the petitioners. Whether the petitioners are to be blamed or their learned

advocates is not quite clear. But, the petitioners have a valuable right to pray for anticipatory bail and that right need not get affected thereby.

7. However, it appears that the present application for anticipatory bail is a second application so far as the petitioner no. 3 is concerned.
8. Accordingly, the same is dismissed as not maintainable so far as the said petitioner no. 3 is concerned.
9. The first application for anticipatory bail of the petitioner no. 3 would come up for hearing tomorrow i.e., on 24/04/2026 under the heading "To Be Mentioned".
10. Therefore, the application for anticipatory bail is taken up for hearing on merits for the remaining petitioners.
11. On merits, learned senior counsel appearing on behalf of the petitioners submits as follows. By a notice dated 16/02/2026, the petitioners have been engaged by the ruling political dispensation of the State to act for the party in the ensuing Assembly Election. That is why, the NIA is after them. Initially, a complaint was made by the alleged victim on 10/12/2024 naming 43 persons as the accused. It was alleged that only two bombs were thrown, which injured the victim, but no FIR was registered on her complaint. This prompted the victim to approach the High Court, which directed the NIA to be informed in terms of Section 6 of the Explosive Substances Act. The State challenged the order before the Hon'ble Apex Court.

The Hon'ble Supreme Court, however, did not interfere with the same. Effectively, on 01/04/2026, the NIA re-registered the FIR. Notices were issued to the petitioners. The petitioners challenged the same before the High Court as no notice could have been issued to the petitioners since the offences were punishable for more than seven years' imprisonment. Pursuant to this, the NIA withdrew the notices. The NIA, thereafter, went particularly after one of the petitioners namely, Sk. Selim. It was the case of the NIA that one bomb was hurled. When 43 persons have been named as accused and one or two bombs were charged and some injuries were inflicted on the present petitioners, it was incumbent upon the Investigating Agency to find out as to who was the main culprit. No custodial interrogation of the petitioners would be required after all these long. Moreover, the petitioners are needed for performing their duties for their political party and even cast their votes in the Assembly Election.

12. Learned DSG representing the NIA vehemently opposes the prayer for anticipatory bail. He submits that no FIR was registered by the State under the Explosive Substances Act. The de-facto complainant was constrained to approach this Court, which directed compliance of Section 6 of the Explosive Substances Act. The State challenged this order before the Hon'ble Apex

Court as the petitioners are members and/or supporters of the ruling political party of the State. On 23/02/2026, the Hon'ble Supreme Court dismissed the SLP and directed the State to comply with the direction of the High Court within seven days. Yet, the State did not do anything. This compelled the de-facto complainant to file an application for contempt. A Rule was issued. Officers had to remain present. Finally, the State acted on the direction passed by this Court. The State finally registered an FIR, inter alia, under Sections 3 and 4 of the Explosive Substances Act on 12/03/2026. The State sent the file to the Central Government as required. Finally, the NIA took up the investigation and re-registered the FIR on 01/04/2026. The delay that was occasioned was more because of the petitioners and the State, which was in league with the present petitioners owing to their political allegiance. So far as the merits are concerned, reliance is placed on the injury report of the victim, which shows physical assault and multiple bomb blast injuries over parts of the body of the victim. In a subsequent statement made by the victim on 11/04/2026 she had named six persons specifically as the perpetrators of the crime that include the petitioners. She stated that others were also there with them. Investigation is going on, but the Investigating Officer also

became a part of the investigating team looking into the recent case of confinement of Judicial Officers.

13. Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail and adopts the submissions advanced on behalf of the NIA.
14. It appears that on the fateful day the victim was not only physically assaulted, but she also received bomb blast injuries on parts of her body. She named 43 persons specifically in the FIR as the assailants, which included the present petitioners. FIR is not an encyclopedia of all ingredients or facts. In a subsequent statement made before the NIA, the victim lady stated that on 08.12.2024 during election of the governing body of a Cooperative Bank, a mob attacked the petitioners. First, a man was beaten up who had to be hospitalized. Bombs were thrown aimed at a candidate. Then, stones were pelted and two bombs were hurled at her. She specifically named the three present petitioners and three others to be part of the marauding mob. After her discharge from the hospital, she filed the FIR. Even, thereafter, on a particular night bombs were hurled at her residence.
15. There is hardly a case of false implication by the NIA made out as the petitioners had been specifically named in the complaint lodged by the victim at the first point in

time. It was only after directions were passed by this Court and by the Hon'ble Supreme Court that the NIA could finally take up the investigation in April, 2026.

16. In fact, there is an allegation of inaction on the part of the State police before the introduction of the NIA.

17. The victim suffered bomb blast and other injuries and in a subsequent statement specifically took the names of the present petitioners and three others. Incidentally, she had also named the present petitioners in her first complaint dated 10.12.2024.

18. Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail to the petitioners.

19. Accordingly, the application for anticipatory bail is dismissed.

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

(Jay Sengupta, J.)