

08.06.2026
Sl. No.09
Ct. 28
NB

C.R.M (A) 1348 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Marishda PS Case No.307/2025 dated 06.08.2025 under Section 103(1)/3(5) of the BNS, 2023 subsequent thereto charge sheet submitted under Section 126(2)/115(2)/117(2)/105/3(5) BNS, 2023 vide Marishda PS C.S. No.49/ 2026 dated 28.03.2026.

And

In the matter of: Bhabesh Chandra Mondal & Anr.

... petitioners

Mr. Sandipan Ganguly Sr.Adv.,
Mr. Atarup Banerjee,
Mr. Abu Sohel,
Mr. Rajdeep Pramanik,
Ms. Simika Roy.

...for the petitioners.

Mr. Kaustav Lal Mukherjee,
Mr. Saswata Chatterjee.

...for the State.

Mr. Sankar Narayan Saha

...for the de facto complainant.

Learned senior counsel appearing on behalf of the petitioners submits as follows. This is a second application for anticipatory bail in view of the fact that during rejection of the first set of applications, the FIR was there with a charge of murder, although subsequently the charge sheet has been submitted, inter alia, on the charge of culpable homicide not amounting to murder. Earlier, by an order dated 26.11.2025, this Court had rejected the prayer for anticipatory bail of the petitioner no.1 and by an order dated 19.01.2026 passed in respect of three applications for anticipatory bail, the applications for anticipatory bail of co-accused being Gautam Karan, Anup Jana, Gurupada Adak, Pintu

Mandal and Asrubindu Mandal was allowed. But, the applications of the other co-accused were rejected, which included the present petitioner no.2.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He relies on the case diary, refers to the postmortem report and the statements of independent eye-witnesses including the one present at page 348 of the case diary.

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 present petitioners.

The application for anticipatory bail of the petitioners is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties.

(Jay Sengupta, J.)