

AD 31
June 11, 2026
Ct. 28
SG

Reject

CRM(A) 1401 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chanditala P.S. Case No.217 of 2026 dated 15.03.2026 under Sections 109/121(1)/121(2)/132/189(2)/221/3(5)/ 324(4) of the BNS.

And

In the matter of: Suraj Mallick and another

... *petitioners*

Mr. Samim Ahammed
Mr. Asif Ikbai Baidya
Ms. Reshma Khatun
Ms. Sabnam Mostari

... for the petitioners

Mr. Krishendu Bhattacharya, Id. APP
Mr. Sankalpa Bhattacharjee

... for the State

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. The petitioners were not even named in the FIR. They were not present at the place of occurrence. There was gross abuse of power perpetrated by the police personnel. There is a writ petition pending over the same. An objectionable post made by an individual casting imputations on a religion. This prompted certain persons to come out and protest. A valuable piece of contemporaneous evidence being a CCTV footage, was not formally seized by the police authorities, but rather simply taken away by them. There were also instances of certain individuals being abused in custody.

Learned Additional Public Prosecutor representing the State relies on the case diary and strongly opposes the prayer for anticipatory bail. He submits that although the petitioners were not named in the FIR, they were identified as two of the assailants by

two eyewitnesses, whose statements are present at pages 76 and 79 of the case diary. Immediately after a complaint was lodged regarding the objectionable post allegedly casting aspersions against a religion, the perpetrator was arrested. Local residents belonging to the other community were requested not to create any ruckus. In spite of such requests, a mob of about 150-200 people gathered and attacked houses belonging to members of the other community. They also attacked the police. As a result, five police personnel were injured and five police vehicles were torched. Reliance is placed on the statements of witnesses and the seizure list. Incidentally, a member of the Masjid Committee, viz., Laltu Mallick produced the CCTV hard disk in question, which was formally seized by the police on 27.03.2026. His signature is present in the particular seizure list.

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.

The application for anticipatory bail is, thus, rejected.

The personal appearance of the investigating officer is noted and is dispensed with.

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

(Jay Sengupta, J.)