

12.06.2026
Court No.28
Item No.33
tbsr

CRM (A) 1422 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Samsherganj** P.S. Case No.**13 of 2024** dated **10.01.2024** under Sections **326/307/34** of the Indian Penal Code, 1860 and under Section 25/27 of the Arms Act and under Section 3/4 of the Explosive Substances Act.

And

In the matter of: Imrul Sk. @ Imrul @ Imrul Hoque

....Petitioner.

Mr. Arnab Chatterjee

Mr. Avik Ghosh

....for the petitioner.

Mr. Krishnendu Bhattacharya, Id. APP

....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. A charge sheet has been submitted against the present petitioner only under Section 286 of the Penal Code which is a bailable offence. Yet, the petitioner's application for anticipatory bail was turned down by the learned Sessions Judge. This has prompted the petitioner to approach this Court with an application for anticipatory bail. In the meantime, a proclamation had been issued, which was set aside by a co-ordinate Bench of this Court.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the FIR, the statement of the victim recorded before the learned Magistrate and the statements of neighbours. The petitioner's name has clearly been stated in the FIR as having been present with the other co-accused and as having hurled bombs. However, the statements of the neighbours only stated that the accused were

creating a ruckus and that when the victim came out, she was shot by a co-accused. The victim was shot twice by the co-accused as per her statement recorded before the learned Magistrate. Such statement is rather cryptic and highlights only the main incident. As the FIR was not registered by the police at the first instance and the victim had to approach the learned Magistrate for registration of the same, it is understandable that no remnants of any bomb was found. The principal accused is still in custody.

In view of the fact that a charge sheet has been submitted against the petitioner only under bailable provision, the application for anticipatory bail is not maintainable.

However, the petitioner shall be at liberty to surrender before the learned jurisdictional Court within four weeks from this date and pray for bail and if such prayer for bail is made, the same shall be considered by the learned Magistrate in accordance with law and without being swayed by earlier rejection of anticipatory bail by the learned Sessions Judge.

The Magistrate shall also be at liberty to go through the materials in details and to take an independent view.

With these observations and directions, the application for anticipatory bail is disposed of.

The presence of the Investigating Officer is noted and is dispensed with.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)