

16.06.2026
Court No.28
Item No.50
tbsr
Allowed

CRM (A) 1567 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bagnan** P.S. Case No.**294 of 2026** dated **17.05.2026** under Sections **189(2)/189(4)/329(4)/324(5)/76/109/303(2)/351(3)** of the BNS, 2023 and Section 25/27 of the Arms Act and Section 9(b) I.E. Act.

And

In the matter of: Jiyaaur Rahaman & Anr.

....Petitioners.

Mr. Soubhik Mitter
Mr. Sumitava Chakraborty
Mr. Bratati Pramanick
...for the petitioners.

Mr. Bhaskar Seth
Ms. Nayana Mukhopadhyay
....for the State.

Learned senior counsel appearing on behalf of the petitioners submits as follows. There is a delay of about 19 days in lodging the FIR. It is alleged that the 51 FIR named accused attacked the house of the informant and ransacked the same, causing damage of about Rs. 25 lakhs. Some of the co-accused had surrendered and were granted bail on the day of their surrender.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that the incident happened on the day preceeding the day of the election and was an attempt to terrorize the victims. In fact, the victims were driven out of the village. He refers to the statements of witnesses present in the case diary.

At the outset, it appears that a wrong provision of law has been imputed being Section 9(b) of the Indian Explosives Act whereas the provisions of the Explosive Substances Act may have been attracted.

Moreover, there is neither any injury report present in the case diary nor any seizure list for the damaged articles or remnants of bombs.

Considering the above and the other materials available in the case diary, although I am inclined to grant anticipatory bail to the petitioners, their movement shall remain restricted for a limited period.

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 petitioners shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the I.O. once a week till submission of report in final form and shall stay outside the jurisdiction of Bagnan P.S. for a period of three months except for meeting the Investigating Officer or attending the jurisdictional Court.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)