

In The High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRM (M) 663 of 2025

Mrinal Kanti Dhar

Vs.

The State of West Bengal & Anr.

For the petitioner : Mr. Amar Nath Sen

Mr. Biswajit Sarkar

Mr. Shouvik Naskar

For the State : Mr. Debabrata Chatterjee

Ms. Mousumi Sarkar

Heard on : 05.03.2026

Judgment on : 05.03.2026

Jay Sengupta, J.: This is an application for cancellation of anticipatory bail granted by the learned Sessions Judge, In-charge, South 24 Parganas at Alipore on 20.03.2025 in Criminal Misc. Case no. 841 of 2025 arising out of Kolkata Leather Complex Police Station Case No. 31 of 2025 dated 2.3.2025 under Sections 104(1)/109(1)/351(3)/303(2)/324(2)/3(5) of the BNS.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and his friend used to be employees of the accused. After some time, they parted ways and the petitioner started his own business. Due to such business rivalry, the accused person abducted the petitioner, assaulted him inside a car and threw him on the road. The incident happened on 27.02.2025 but the petitioner could lodge the FIR on 01.03.2025 because he had to take care of his wife who was recovering from a brain surgery.

Learned counsel appearing for the State relies on the case diary and refers to statements of victim and the other witnesses and the injury reports.

It appears that although the case diary does not contain any injury report, there are certain injury reports that were relied upon on behalf of the petitioner. The medical prescription of a private doctor present at page 14 of the application refers to assault by a known person. Even on 28.02.2025 the name of the private opposite party was not disclosed. Unlike the petitioner's case in the FIR that several persons assaulted him before the doctor, it was mentioned there that the assault was done by a known person. However, in the subsequent injury report dated 02.03.2025 there was a mention of name of the prime accused and two other persons.

Therefore, not only there is a delay in lodging the FIR, even on the first instance before the treating doctor, the name of the private opposite party was not specifically disclosed.

In view of the above and considering the other materials available in the case diary, I do think that custodial interrogation of the petitioner is required in this case.

The order passed by the learned Sessions Judge, while granting anticipatory bail was also a well reasoned one.

Therefore, I do not find any merit in the application for cancellation of anticipatory bail.

Accordingly, the application for cancellation of anticipatory bail is rejected.

However, there shall be no order as to costs.

The observations made herein are limited to consideration of the application for cancellation of anticipatory bail.

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

(Jay Sengupta, J.)