

24.06.2026
Court No.28
Item No.32
ssi

CRM (A) 1682 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Pragati Maidan Police Station Case No. 129 of 2026 dated 06.06.2026 under Sections 34/380/427/448/506/436/387 of the Indian Penal Code.

And

In the matter of: **Avijit Ghosal @ Avijit Ghoshal**

.... Petitioner

Mr. Bikash Ranjan Bhattacharyya, Sr.Adv.
Mr. Uday Sankar Chattopadhyay
Ms. Rajashree Tah
Ms. Trisha Rakshit

...for the petitioner

Mr. Mukesh Gupta

..for the State

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner was allotted a stall at a fish “arat” way back in 2021 following due process. After the result of the present Assembly Election came out, the other side is trying to give a political colour to the events pertaining to the grant of such stall and is trying to evict the petitioner. Accordingly, the petitioner was constrained to file a suit being Title Suit No. 571 of 2026, which is pending before the learned Civil Judge (Junior Division), 1st Court at Alipore. The suit was filed on 15.05.2026. As a counter blast, the present FIR was registered on 06.06.2026 alleging forcible taking of such stall in the year 2021.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to the statements of witnesses, the seizure list and copies of documents like resolution book and the like. As per the prosecution case, the

President of the Association was abducted by goons belonging to the earlier ruling dispensation in the year 2021 and the members were forced to take a resolution allotting stalls to certain persons including the present petitioner.

It is indeed quite surprising that the de facto complainant, who himself is supposedly an influential person being the President of the Chingrighata Matsya Aratder Samiti, did not choose to file any complaint earlier.

Considering the above, the other materials available in the case diary, the delay in lodging the FIR and the prior pendency of a civil suit filed by the petitioner in this regard, I do not think that custodial interrogation of the present petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 conditions that the petitioner shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)