06.10.2026
Item No.32
Court No.37
CHC
Allowed

In The High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

C.R.M.(A) 3186 of 2026

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Manikchak** Police Station Case No. **737** of **2024** dated **05.10.2024** under Sections **329(4)/ 115(2)/ 117(2)/ 118(1)/ 74/103(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023, now pending before the Learned Court of Chief Judicial Magistrate, Malda.

And

In the matter of : Utpal Basak & Ors.

..... petitioners

Mr. Apan Saha, Advocate
Mr. Musharraf Alam Sk., Advocate
Sk. Sarfaraj Nawaj, Advocate
Mr. Tasnim Ahmed, Advocate
....for the petitioners

Mr. OOiseeroop Sinha, Advocate
Mr. Arijit Bhusan Bagchgi, Advocate
....for the State

1. Memo of Evidence filed in Court be kept with the record.
2. Petitioners seek anticipatory bail.
3. State opposes the prayer for anticipatory bail.
4. Post Mortem report is inconclusive as to the cause of death.
5. There is a delay in lodgement of the First Information Report.
6. Police filed charge-sheet.
7. Learned advocate appearing for the State submits that, there are eyewitnesses who implicate the petitioners.

Moreover, there are criminal antecedents so far as the petitioners are concerned.

8. So far as criminal antecedents are concerned, I find that, there is one police case which relates to house trespass and criminal intimidation.

9. In the facts of the present case, I find that, police filed charge-sheet without seeking custody of any of the petitioners before Court.

10. Investigations being concluded and considering the materials in the Case Diary and the involvement of the petitioners therein and considering the delay in lodgement of F.I.R, I grant anticipatory bail to the petitioners.

11. Accordingly, I direct that in the event of arrest the petitioners will be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, 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, and on further condition that the petitioners shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure the presence of the petitioners in court including

cancelling the anticipatory bail granted without further reference to this Court.

12. This application for anticipatory bail is, thus, **allowed**.

13. CRM(A) 3186 of 2026 is **disposed of**.

(Debangsu Basak, J.)

CHINMOY CHAKRABORTY

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Date: 2026.10.06 19:45:07 +05'30'