01.10.2026
Sl. No. - 52
Court No.35
Rohan
(Partly Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

C.R.M.(A) 3155 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Amherst Street Police Station Case No. 107 of 2026 dated 16.06.2026 for the offences punishable under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

-And-

In the matter of: Md. Naushad & Anr.

...Petitioners

Mr. Avik Ghatak
Mr. Aritra Roy
Ms. Dishari Kanjilal

...for the Petitioners

Mr. Kallol Kr. Basu
Mr. U Garodia

...for the State

1. Learned advocate appearing for the petitioners submits that there was a scuffle between two groups of parents and guardians at the school premises pursuant to which, cases were instituted at the behest of the present petitioners as also cases were instituted against them.

2. Other factual issues have been raised by the petitioners which is the genesis of the said incident.

3. I have taken into account the injury report in the case diary as produced by the learned advocate appearing for the State.

4. The memo of evidence which has been submitted before this Court and the memo of evidence, appearing at page 43 and 44 of the case diary, do portray a different picture. While in the memo

of evidence submitted before the Court, it refers to complicity of petitioner No. 2 but in the memo of evidence, in the case diary (at pages 43 and 44) do not name the petitioner No. 1. The fatal blows, according to the memo of evidence, were inflicted by petitioner No. 2, namely, Md. Adnan with iron hammer like object upon the injured.

5. Having considered the same, particularly the report available in the case diary, in the background that the same was recorded pursuant to scrutiny of the CCTV footage, I am of the opinion that benefit of doubt should be extended to petitioner No. 1

6. Accordingly, prayer for anticipatory bail of the petitioner No. 1, namely, **Md. Naushad** is **allowed**.

7. However, the overt acts of petitioner No. 2, namely, Md. Adnan are explicit. Accordingly, the prayer for anticipatory bail of petitioner No. 2, namely, **Md. Adnan** is **rejected**.

8. As such, I direct that in the event of arrest, the petitioner No. 1 be released on bail by the Investigating Officer/Arresting Officer of the case on such terms and conditions as it deems fit and proper. This would be subject to the conditions under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. As investigation is in progress, the petitioner No. 1 shall report to the Investigating Officer within a period of 10 days and on all subsequent dates as required by the Investigating Officer till the report in final form is submitted before the Jurisdictional Court.

10. With the aforesaid observation, **C.R.M. (A) 3155 of 2026** is **disposed of**.

11. Both Memo of evidence submitted be kept with the record.

12. All parties shall act in terms of the server copy of the order downloaded from the official website of this Court.

13. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)