8.
06-10-2026
(ct. no.34)
(rejected)
debajyoti

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM(A) 3464 of 2026

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Nakashipara Police Station Case No.773 of 2026 dated 16-08-2025 under Sections 103(1)/126(2)/ 324(4)/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Jahid Mahabub Rahaman

.... Petitioner.

Mr. Fazlur Rahman, Adv.,
Mr. Rahil Rahman, Adv.,
Ms. Dona Sanyal, Adv.

... For the Petitioner.

Mr. Kallol Mondal, learned Public Prosecutor,
Mr. Aditya Tiwari, Adv.,
Mr. Shayan Sachin Basu, Adv.

... For the State.

Mr. Manojit Bhattacharyya, Adv.,
Mrs. Sumitra Neogi, Adv.,
Mr. Diptoraj Chakraborty, Adv.

... For the defacto complainant.

1. Apprehending arrest in connection with Nakashipara Police Station Case No.773 of 2026 dated 16-08-2025, the instant application has been filed by the petitioner for anticipatory bail.

2. It is submitted that the petitioner is an innocent person and a 21-year old engineering student who has been falsely implicated in this case. It is further submitted that his name was neither reflected in the FIR and nor he was involved in the case. Further, if the anticipatory bail is not granted in his favour, his entire career will be ruined. In

this regard, learned advocate for the petitioner has placed reliance in the decision reported in **(2016) 1 Supreme Court Cases 152 (Bhadresh Bipinbhai Sheth Vs. State of Gujarat and Anr.)**. It is further submitted that this case is entirely due to a political rivalry since the petitioner belongs to a particular political party.

3. The learned advocate for the State raises objection and submits that in course of evidence, the name of the petitioner has transpired. More so, the vehicle which was seized can be found to be in his name. It is further submitted that the allegation is serious in nature and the investigation is going on and, accordingly, prayed for dismissal of the instant application.

4. Learned advocate for the defacto complainant also raises objection to the prayer for anticipatory bail of the petitioner.

5. Having heard the learned advocates for the parties and on careful perusal of the materials on record, primarily it transpires that the name of the petitioner was absent in the FIR when certain names were disclosed. However, on perusal of the Case Diary, some statements are found whereby the name of the present petitioner transpires as the owner of the vehicle which was also there at the spot on the date of the incident and the name of the present petitioner is apparently reflected.

6. In the case as relied upon by the petitioner, the decision of the Hon'ble Apex Court in the case of ***Gurbaksh Singh Sibbia Vs. State of Punjab***, reported in ***(1980) 2 Supreme Court Cases 565*** as well as the decision of ***Maneka Gandhi Vs. Union of India***, reported in ***(1978) 1 Supreme Court Cases 248***, were taken note of and it was held that the expression "may, if it thinks fit" occurring in Section 438(1) of the Code of Criminal Procedure gives

discretion to the Court to exercise the power in a particular case or not, and once such a discretion is there merely because the accused is charged with a serious offence may not by itself be the reason to refuse the grant of anticipatory bail if the circumstances are otherwise justified.

7. Considering the aforesaid well-settled principles and the preliminary materials collected by the investigating agency in course of investigation and that grant of anticipatory bail may render the investigation otiose, this Court is not inclined to allow the prayer for anticipatory bail to the petitioner. Hence, the prayer stands rejected.

8. The application for anticipatory bail is, thus, **dismissed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]