

10.02.2026
Court No.28
Item No.13
ssi

CRM (A) 4156 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Santipur Police Station Case No. **1189 of 2024** dated **13.09.2024** under Sections **318 (2)/319(2)/318(4)/338/336(3)/340(2)/3(5)** of the BNS 2023.

And

In the matter of: **Rakesh Roy.**

.... Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Sayan De
Mr. Sayan Karjilal
Mr. Kaustav Shome

...for the petitioner

Ms. Amita Gaur, SGA
Ms. Eshita Dutta

..for the State

Copies of e-mail and photograph as filed on behalf of the petitioner is taken on record.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner is presently working as a civic volunteer. One day, he saw an ASI come near a shop in a drunken state and misbehave with a shop owner. He protested. This prompted the said ASI to falsely implicate the petitioner in a case where the petitioner was not even named in the FIR. A writ petition was filed by a relative of the present petitioner in this regard. A co-ordinate Bench directed the Superintendent of Police to conduct an inquiry against the said Investigating Officer and if it was found that there was certain issues which ethically touched upon the police rules and regulations, then the Superintendent of Police, Ranaghat Police District would transfer the said I.O. to any other police station. The

said police officer has been transferred. But, presently the investigation is being conducted by a friend of his. Strangely, the allegations in the *suo moto* FIR is that source information revealed that some cyber crime was taking place. However, till now, no victim has been identified. This was conjured up with a sole purpose of fixing the present petitioner. Pursuant to the order of this Court, the petitioner went to meet the I.O. He was not allowed to meet him and e-mail has been sent to that effect. A photograph of the petitioner standing in front of the police station that day is being relied upon.

Learned counsel for the State opposes the prayer for anticipatory bail. However, she submits that it does not appear from the case diary that a victim has yet been identified.

There is a doubt about whether any *prima facie* case is made out especially, so far as the present petitioner is concerned.

It also appears that the Superintendent of Police has already transferred the errant police officer. However, the present petitioner is still being allegedly harassed by not recording his appearance before the police officer.

Considering the above and the other materials available in the case diary, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail of the petitioner is allowed.

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 meet the I.O. as and when required.

In the interest of justice, the concerned Superintendent of Police is requested to engage an officer of the rank of Deputy Superintendent of Police to further investigate the alleged offences.

However, the above direction would have no bearing on any application that may be filed by the petitioner challenging the proceeding.

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.)