

21.04.2026
Item no.14.
Court No.5.
(Samar)
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 224 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitai Police Station Case No.09 of 2026 dated 23.01.2026 under Sections 64, 62, 69, 126(2), 118(1)/117(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Motalem Rahaman
.....Petitioner.

Mr. Sudip Guha,
Ms. Sayantari Das,
.....for the Petitioner.

Mr. Tapan Bhattacharjee
Ms. Sukanya Adhikary (V.C)
.....for the State.

Despite received of notice, victim is unrepresented.

Mr. Guha, learned advocate appearing for the petitioners, submits that following the dispute that cropped up between two victims, there was a free fight, and that Sections 64 and 62 of the BNS have been invoked only with a mala fide motive to harass the petitioner. He further submits that there is a counter-case arising out of the same incident, both cases having been filed on the same date. In such circumstances, custodial interrogation of the present petitioner is not required.

Mr. Bhattacharjee, learned advocate appearing for the State, produces the case diary and vehemently opposes the prayer made by the petitioner.

Heard the learned advocates appearing for the respective parties and perused the materials on record, including the case diary.

Admittedly, there are case and counter-case launched on the same day. The incident allegedly occurred in the presence of direct evidence. Taking note of this fact and considering the nature of the allegations, including the statements of the witnesses recorded under Section 180 BNSS and the statement of the victim recorded under Section 183 BNSS., and further considering that the charge-sheet has been submitted, I am of the view that custodial interrogation of the present petitioner will not serve any purpose.

Accordingly, it is directed that, in the event of arrest, each of the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of Rs. 5,000/- (Rupees Five Thousand only) each, to the satisfaction of the learned **Additional Chief Judicial Magistrate, Dinhata**, and subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, CRM (A) 224 of 2026 is **allowed**.

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

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

(Partha Sarathi Chatterjee, J.)