

15.05.2026
SL No.7
Court No.5
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(A) 245 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pradhan Nagar Police Station Case No. 108 of 2026 dated 07.02.2026 under Sections 316(2)/318(4)/338/336(3)/61(2) of the Bharatiya Nyaya Sanhita, 2023.

-And-

In the matter of: **Surendra Kumar Bharti @ Surrendra Kumar
Bharati & Anr.**

...Petitioners

Mr. Satarudriya Mukherjee
Ms. Tannu Agarwal
Mr. Salim Javed

...for the Petitioners

Mr. Ujjal Luksom (VC)

...for the *De Facto* Complainant

Mr. Nilay Chakraborty, Id. APP (in-charge)

...for the State

1. This instant application has been filed with a prayer for anticipatory bail.
2. Learned counsel appearing on behalf of the petitioners submits that the *de facto* complainant herself has submitted the form for vocational training on August 18, 2025 and on completion of the same, the institute has issued the certificate but subsequently after issuance of the certificate has filed a false complaint before the police authority on the ground that the *de facto* complainant has got the admission for paramedical technician but the certificate provided to the petitioner as a vocational training. The learned counsel for the petitioners has relied upon the documents which enclosed with the present application as Annexure 'P4'

wherein the *de facto* complainant has filed her application for admission in the vocational training. He further submits that the *de facto* complainant had the knowledge that she has applied for vocational training and on completion of the said training, the certificate has been issued. Thus, there is nothing remains in the complaint and the petitioners are entitled to get anticipatory bail.

3. Learned counsel for the petitioners has relied upon the judgment passed in ***Special Leave Petition (Crl.) No. 9949/2023*** in the matter of ***Ashok Kumar vs. State of Union Territory Chandigarh*** and submits that the prosecution merely cannot pray before this Court that the custodial interrogation is required. The Court has to see whether actually the custodial interrogation of the petitioner is required for the investigation.
4. Learned APP-in-charge appearing for the State produced case diary. He submits that the institute has published an advertisement under the heading Asha Paramedical and Nursing Institute for admission and placement in medical laboratory technology, ICU technician, OT technician, nursing and midwifery (ANM), radiology and imaging technology, dialysis technician and physiotherapy technician. He further submits that during the investigation, the Investigating Officer has requested the concerned authority whether the institution of the petitioners has been registered with the State authority or not. On the request of the Investigating Officer, the authority has submitted report wherein it reveals that as per the confirmation from the West Bengal Nursing Council, the institute is not registered with the

Council. Learned counsel for the State further submits that without the registration of the institute, the petitioners are taking the admission in their institution and proving the certificate without any approval of the State Government.

5. Heard the learned counsel for the respective parties and perused the materials on record and the case diary. This Court finds that the petitioners are running the institute without the approval of the Government and issuing the certificate. As such, the custodial interrogation and further investigation is required to go into deep in the matter. Thus, this Court finds that this is not the fit case for grant of anticipatory bail.
6. Accordingly, the application for anticipatory bail being **C.R.M. (A) 245 of 2026** is dismissed.
7. The case diary is returned.

(Krishna Rao, J.)