

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

02.07.2026
Ct No.5
Item No.6
Ranita

CRM (A) 362 of 2026

In Re:- An application under Section 482 of the Bharatiya Ngarik
Suraksha Sanhita, 2023
And

In Re: Kashem Ali @ Kashem Miah

.....Petitioner

Mr. Subhasish Misra
Mr. Satyajit Paul
Mr. Rounak Ghosh

...for petitioner.

Mr. Avrojoyti Das, Ld. APP
Mr. Gobindo Ghosh
Mr. Debabrata Rai

...for State.

1. The petitioner is an accused person in connection with Sahebganj P.S. Case No.60 of 2026 dated 09.02.2026, under Sections 126(2)/117(2)/109(1)/118(1)/115(2)/74/3(5) of the Bharatiya Nyaya Sanhita, 2023 corresponding to GR case No.62 of 2026.
2. Mr. Subhasish Misra, learned advocate for the petitioner has submitted that the present F.I.R is lodged after two days of filing of F.I.R by the present petitioner against said de facto complainant being Sahebganj P.S case No.60 of 2026 dated

09.02.2026 alleging non cognizable offence under BNS. Therefore according to him it is only the counterblast of the F.I.R lodged by the present petitioner and would not be sufficient material to warrant the petitioner's custodial interrogation.

3. Mr. Das, learned advocate for State has raised objection on the ground of available injury reports in C.D.
4. Perused the materials and also the C.D. Two cases have been lodged concerning the same incident which happened on 07.02.2026. The petitioner lodged F.I.R being Sahebganj P.S case No.54 of 2026 whereas after two days the de facto complainant lodged F.I.R being Sahebganj P.S case No.60 of 2026 dated 09.02.2026.
5. In the investigation concerning the F.I.R against the present petitioner injury reports are available, one of which suggests grievous injury suffered by the victim whereas the other suggests simple injury suffered by the other victim.
6. From entire materials as available and discussed above, this Court find that the petitioner's custodial interrogation may not be imperative so long as he assists in investigation in due and proper manner. Therefore, bail prayer of the petitioner is allowed.
7. In the event of arrest the petitioners shall be granted 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 Learned Sessions Judge, Coochbehar. The petitioners shall

comply with the condition under Section 482(2) of the BNSS, 2023 and shall cooperate with the investigation in all possible way. They shall not intimidate witnesses in any manner and shall not tamper with the evidence of the case in any manner whatsoever.

8. C.D be returned.

(Rai Chattopadhyay, J.)