

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

01.07.2026
Item No. 22
Ct. No. 5
AN

C.R.M. (A) 420 of 2026

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Banarhat Police Station Case No. 123 of 2026 dated 05.06.2026 under Sections 316(2) / 318(2) / 318(4) / 308(2) / 336(3) / 61(2) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Chief Judicial Magistrate, Jalpaiguri.

In the matter of : **Tabarak Ali**

... Petitioner.

Mr. Joydeep Kanta Bhowmick
Mr. Sayantan Bhowmick
Mr. Shubham Kumar
Mr. Jasmin Haque
Ms. Priti Das

...for the Petitioner.

Mr. Avrojoyti Das, ld. APP
Ms. Madhushri Dutta
Mr. Debabrata Rai

...for the State.

1. According to the petitioner, this case is a result of the political vendetta where the petitioner has been victimized by filing a false criminal case against him. However, the petitioner has not explained any extraordinary circumstances for which this Court may entertain the application for anticipatory bail directly, when he has not filed any application before the learned trial court prior to filing before the High Court, in compliance with the decision of the Hon'ble Supreme Court in the case of

Mohammed Rasal C. and Another Vs. State of Kerala and Another reported at **2025 SCC OnLine SC 2728**.

2. Similar issues have been dealt with by this Court in CRM(A) 378 of 2026 [Nurjamal Mia and Ors. Vs. State of West Bengal] vide order dated 30th June, 2026. The same would be binding as regards the facts and circumstances of the present case too.
3. Accordingly, the petitioner should appropriately be directed to follow the dictum of the Hon'ble Supreme Court in filing the application for anticipatory bail before the learned trial court first.
4. It is further directed that till the time the petitioner files the application for anticipatory bail, if any and the same be disposed of by the learned trial court, there shall be no coercive steps taken against the petitioner.
5. With the above directions, C.R.M. (A) 420 of 2026 stands **disposed of**.

(Rai Chattopadhyay, J.)