

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

03.07.2026
Item No. 15
Ct. No. 5
AN
(ALLOWED)

C.R.M. (A) 431 of 2026

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mathabhanga Police Station Case No. 419 of 2026 dated 10.06.2026 registered under Sections 329(4) / 332(3) / 316(2) / 316(5) / 89 / 303(2) / 61(2) / 351(2) / 3(5) of the Bharatiya Nyaya Sanhita, 2023 now pending before the learned Additional Chief Judicial Magistrate, Mathabhanga.

In the matter of : **Md. Masud Hasan**

... Petitioner.

Mr. Samim Ahammed
Mr. Arka Bhattacharyya
Md. Nasirul Haque
Ms. Avisikta Das
Ms. Sudipa Ghosh

...for the Petitioner.

Mr. Avrojoyti Das, Id. APP
Mr. Gobinda Ghosh
Mr. Atul Dong

...for the State.

1. The petitioner is the accused person in Mathabhanga Police Station Case No. 419 of 2026 dated 10.06.2026 registered under Sections 329(4) / 332(3) / 316(2) / 316(5) / 89 / 303(2) / 61(2) / 351(2) / 3(5) of the Bharatiya Nyaya Sanhita, 2023 now pending before the learned Additional Chief Judicial Magistrate, Mathabhanga.

2. Mr. Samim Ahammed, learned advocate appearing for the petitioner through virtual mode has urged on the basis of the F.I.R. that the allegations levelled against the petitioner are vague in nature and shall not justify his custody.
3. The State is of serious objection in view of the fact that materials available in the C.D. including the report of the I.O. dated 1st July, 2026, has elaborately shown the present petitioner to be involved in misuse of his power as Superintendent of the Hospital, as well as misuse of the government property by engaging those under his disposition, in illegal activities.
4. According to State, these allegations have duly been substantiated by the statement of the witnesses available in the case diary.
5. Having perused the case diary and the materials on record and also having considered the submissions of the respective parties, it is noted that the Department in supervision and control of the petitioner being the Superintendent of a Government Hospital, has not come up with any allegation against the petitioner, whereas the de facto complainant is the Secretary of the “Mathabhanga Rogi Upobhokta Committee”, Mathabhanga, Coochbehar, no way connected with the affairs management and control of the hospital.

6. Though the Court is conscious that only the said fact would not demolish the allegations levelled against the petitioner insofar as those have been supported with statement of witnesses available in the C.D. including a report filed by the I.O. However, those are not supported with any further strong documentary materials like photograph etc. Mere statement does not inspire confidence as regards existence of adequate and sufficient material as regards the petitioner's involvement in the alleged offence.
7. Considering all as above, this Court is of the opinion that custodial detention of the petitioner for the purpose of investigation may not be necessary till the time he cooperates with the investigation.
8. Therefore, the prayer of the petitioner for anticipatory bail is allowed with the following conditions.
9. It is directed that in the event of arrest of the petitioner, the petitioner 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 Additional Chief Judicial Magistrate, Mathabhanga. The petitioner shall comply with the condition under Section 482(2) of the BNSS, 2023 and shall cooperate with the investigation in all possible way. He shall not intimidate witnesses in any manner and

shall not tamper with the evidence of the case in any manner whatsoever.

10. C.R.M. (A) 431 of 2026 stands **disposed of**.

(Rai Chattopadhyay, J.)