

05.01.2026
Item no. 55.
Court No.3.
Rakib
(Allowed)

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

CRM (A) 956 of 2025

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 Pradhannagar Police Station Case No. 614 of 2025 dated 06.09.2020 under Sections 302 of the Indian Penal Code.

And

In the matter of : Balaram Sharma.

.....Petitioner.

Mr. Satadru Lahiri
Mr. Md. Musharrof Hossain
Ms. Esha Acharya

.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Dr. Arjun Chowdhury

.....for the State.

Learned advocate appearing on behalf of the petitioner submits that the investigating authority in connection with the instant case submitted a final report as mistake of facts on the finding that certain *“miscreants suddenly attacked upon the on duty forest guard patrolling party with sharp weapon and stone with a view to kill them and try to snatched the Govt. Gun which was issued to forest guard to performing govt. duty. Finding no other alternative forest guard Balaram Sharia opened fire from govt. Gun opened in good faith to save their life and govt. property.”*

Learned Additional Public Prosecutor appearing on behalf of the State submits that police has not further investigated pursuant to such report under Section 173 of Cr.P.C. However, the learned Magistrate thought it fit and proper to take cognizance of the offence under Section 302 of the Indian Penal Code and as such issued process initially and subsequently issued warrant of arrest.

Prima facie, I find that the police authorities in their report have supported the act and action of the accused/petitioner who was discharging his official duty. Needless to state that in the meantime a revisional application was preferred challenging the merits of the case in CRR 150 of 2025 which was rejected.

Be that as it may, since the present application is restricted to whether custody of the petitioner is warranted in connection with the instant case, I am of the view that since the investigating agency in course of investigation did not take the petitioner in custody, the case falls within the ambit of *Satender Kumar Antil -Vs. - Central Bureau of Investigation and Anr.* reported in (2024) 9 SCC 198.

Having regard to the same, I am of the view that the prayer for anticipatory bail of the petitioner be **allowed**.

Accordingly, I direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties

of Rs. 10,000/- (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the investigating officer/arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Accordingly, CRM (A) 956 of 2025 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.

(Tirthankar Ghosh, J.)