

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

09.07.2026
Item No. 41
Ct. No. 5
Sayan

C.R.M. (A) 477 of 2026

In Re:- An application under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023

In the matter of : **Jagadish Sen**

... petitioner.

Mr. Sudip Guha
Ms. Sayantani Das
Ms. Ankita Nag

...for the petitioner.

Mr. Kallol Ghosh
Mr. Roumyadip Saha

...for the State.

- 1.** The petitioner has filed the instant application for anticipatory bail in connection with Dinhata Police Station Case No. 219 of 2023 dated May 07 2023 under Section 448, 323, 379, 506 and 34 of IPC and read with Section 25 and 27 of the Arms Act, and corresponding to GR Case No. 230 of 2023, pending before the learned Additional Chief Judicial Magistrate, Dinhata.
- 2.** Learned advocate for the petitioner has submitted firstly, that since the FIR has been lodged in the year 2023, the investigation has proceeded enough till date. Further, he has pointed out to the order of the learned Sessions Judge dated August 09, 2023 indicating that, by dint of the said order, the learned Sessions Judge has granted bail to some of the accused persons from amongst the total 31 accused persons in this case and rejected bail for 9 of the accused persons including the present petitioner. He has further referred to the two orders of this Court dated September 14, 2023 in

CRM(A) 744 of 2023 and June 19, 2024 in CRM(A) 442 of 2024 to submit that the two accused persons whose bail was earlier rejected by the learned Sessions Judge, have been later granted anticipatory bail by this Court vide the same. According to Mr. Sudip Guha, learned advocate for the petitioner, the present petitioner is similarly circumstanced with the two persons released on bail by this Court in terms of the said two orders as mentioned above.

3. The State has raised strong objection to the prayer of the petitioner as above. According to Mr. Kallol Ghosh appearing for the State, the petitioner, since after rejection of his bail by the learned Sessions Judge on August 09, 2023, has been absconding. It is submitted that the petitioner is a habitual offender and have serious criminal antecedents. He has referred to another case against the petitioner suggesting that the petitioner has been found committing criminal acts with the aid of fire arms in the said case. He says that, in consideration of the criminal antecedents of the petitioner, he may not be granted bail.
4. Having heard both the learned advocates for the parties and having perused the materials on record as well as in CD, it is found that the similarly circumstanced accused persons have been enlarged on bail by this Court. The petitioner though has been named in FIR, no specific role of him, is apparent from the materials before me in commission of the alleged crime. The petitioner's involvement in the other crime is not a valid consideration for this Court in the instant case excepting his role in the crime as alleged here. However, the Court is also concerned about the prolonged period of time when the petitioner was absconding. Considering

all the facts as above, the petitioner's bail prayer is allowed with the following conditions: -

- a) It is ordered that in the event of arrest, 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, Dinhata. The petitioner shall comply with the condition under Section 482(2) of the BNSS, 2023 and shall cooperate with 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.
- b) Let the petitioner, upon furnishing bail bond, visit the IO once in every month, till submission of charge-sheet, till any further order is passed in this regard and not to leave the jurisdiction of the police station where he permanently resides, without the permission of the Investigating Officer.

5. CRM (A) 477 of 2026 is disposed of.

(Rai Chattopadhyay, J.)