

28.07.2026
Ct. No. 11
SL No.09
Cp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 491 of 2026

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Kotwali Police Station Case No.199 of 2026, dated 05.05.2026 under Sections 109/ 115(2)/ 118(2)/ 126(2)/324(4)/126(2) of the BNS, 2023.

And

In the matter of: **Khodabox Kaberia @ Md Khoda Bakkas Kibria & Ors.**

....Petitioners.

Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Mr. B. Ghosh

...for the Petitioners.

Mr. Avrojoyti Das, Ld. APP
Mr. Kallal Ghosh
Ms. Trishna Roy

... for the State.

The petitioners pray for pre-arrest bail.

The petitioners are one of the 37 accused persons who was allegedly present at the place of occurrence and who allegedly participated in the commission of the offence. The incident occurred on the date of publication of the result of the assembly election.

Learned advocate for the petitioners contends that although their names appear in the FIR, no particular role has been ascribed to them in the commission of the alleged offence.

I find substance in such submission.

Learned advocate for the State opposes prayer for grant of pre-arrest bail and submits that, even if no particular statement has been made in the complaint with regard to the overt act of the petitioners, they are named accused. Secondly, investigation is not complete.

Custodial interrogation of the petitioners will be required to recover arms and other deadly weapons.

Considering the rival contentions of the parties and the materials on record, this court is of the view that the complaint before the police does not indicate that any particular role was played by the petitioners. It also appears that one Rajesh Lakra who is in the same footing as that of the petitioners was granted anticipatory bail in CRM (A) 389 of 2026.

Accordingly, this court directs that, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the B.N.S.S. 2023. The petitioners shall meet the investigating officer once in a week and cooperate till conclusion of the investigation and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioners shall also not leave the jurisdiction of the Kotwali police station.

In case the petitioners fail to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)