JPD 8.
November 25, 2026.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 754 of 2026

In Re: - An application for anticipatory bail under Section 482 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with G. R. Case No. 1574/2026 arising out of Kotwali Police Station Case No. 824 of 2026 dated 13.08.2026 under Sections 196(1)(a)/196(1)(b)/197(1)(c)/299/352/353(2)/356 of the B.N.S.

And

In the matter of: Amit Rajbangshi @ Amit Kumar Barman and others

…. petitioners

Mr. Debajit Kundu,
Mr. Ratan Chandra Roy, Advs.

… for the petitioners

Mr. Avrojyoti Das, APP,
Mr. Sanjoy Mazoomdar,
Mr. Abhilash Mittal, Advs.

… for the State

1. Learned counsel for the petitioners submits that charges under Sections 196 and 197 as well as 299 of the BNS have been clamped against the petitioners.

2. Learned counsel for the petitioners contends that no notice was served on the petitioners and that all the offences alleged against the petitioners are triable by a learned Magistrate.

3. The Court finds substance in the contention of the petitioners.

4. That apart, by dint of its very nature, the allegation that the petitioners insulted a highly respected national figure, who is no longer in the world of the living, does not strictly come within the purview of Section 196 or Section 197 of the BNS, which pertain to creating disharmony or hurting

the feeling of a community, hatred or ill-will on the ground of religion, race, language and between religious groups or castes or communities and Section 299, which pertains exclusively to a religious component, none of which are disclosed from the complaint lodged against the petitioners.

5. On query of the Court, learned counsel for the State, who opposes the prayer for anticipatory bail, submits that the alleged offence also comes within Section 67 of the Information Technology Act, 2000. However, the said provision also pertains to a different paradigm, relating to publication or transmission of material which is lascivious or prurient, and does not apply to the alleged acts of the petitioners.

6. In view of the above, the petitioners are entitled to anticipatory bail.

7. Accordingly, CRM(A) 754 of 2026 is allowed, thereby granting anticipatory bail to the petitioners.

8. 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 learned Chief Judicial Magistrate, Cooch Behar. The sureties may be common for all or some of the petitioners.

9. The petitioners shall cooperate with the investigation and meet the Investigating Officer once every fortnight and shall not leave the territorial jurisdiction of their local police stations.

10. Furthermore, the petitioners shall not in any manner try to contact any prospective witnesses and/or tamper with evidence.

11. The written explanation for not clubbing the appropriate provisions of the IT Act given by the erstwhile Investigating Officer, filed today be kept on record.

12. The Court is satisfied with such explanation.

(Sabyasachi Bhattacharyya, J.)