

29.09.2026
Court No.35.
D/L.06.
(Rakib/
Suman(PA))

CRM (M) 2514 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Nandigram PS Case No. 221 of 2007 dated 15.11.2007 under Sections 147/148/149/326/364/302/201 of the Indian Penal Code, 1860.

And

In the matter of : Milan Pradhan

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sanjay Banerjee
Mr. Zohaib Rauf
Mr. Ajitesh Pandey
Ms. Sriparna Das
Mr. Sk. Anwar Ali
Mr. Jayanta Narayan Das
Mr. S. Ghosh
Mr. Prasant Bagchi
Ms. Sumitra Neogi
Mr. Abid Jamal
Mr. Manojit Bhattacharya
Ms. Anjana Banerjee
Ms. Srabani Mukhopadhyay
Mr. Samirul Sardar
Mr. Mrinmoy Bhattacharyya
Mr. Abhi Bhattacharya
Mr. Arka Chakraborty
Mr. Anish Mukherjee
Mr. Kundan Bharti
Mr. Manish Ojha
Mr. Asfak Ahammed

.....for the Petitioner.

Mr. Rajdeep Majumdar, Ld. AAG,
Mr. Kallol Mondal, Ld. PP
Mr. Moyukh Mukherjee
Ms. Arushi Rathore

.....for the State.

1. Mr. Mukherjee, learned Senior Advocate appearing on behalf of the petitioner, submits that in 2007, owing to the Government's proposed acquisition of land for

creating a chemical hub at Nandigram, there was mass agitation, which led to several criminal cases being registered at the Nandigram and Khejuri Police Stations. The petitioner was falsely implicated in those cases for political reasons and with an ulterior motive.

2. According to him, the petitioner is a respectable businessman of the area and was deeply involved in the historic anti-land acquisition movement in Nandigram in 2007. He is a member of the Indian National Congress and an office-bearer of the West Bengal Pradesh Congress Committee.
3. It was submitted that the petitioner filed his nomination papers for contesting the elections on 15-09-2026. He was pressurized to withdraw his nomination on 18-09-2026 and was thereafter arrested in connection with cases arising out of the 2007 land agitation, which were engineered to suppress farmers seeking to protect their land.
4. It was only after petitioner filed his nomination papers that the police authorities executed such a warrant for the first time in 19 years.
5. Learned Senior Advocate relied upon the judgment in **Rakesh Kumar Singh in CRM (M) 776 of 2026** and referred to the relevant paragraphs of the judgment which are as follows:

*“....the case of **Mohd. Tahir Hussain** involved the murder of an Intelligence Officer of the Union Home*

Ministry, and even in such a grave matter, custody parole was granted for contesting elections.

*At the same time, the possibility of misuse of interim bail on the pretext of contesting elections cannot be ruled out. **Mohd. Tahir Hussain** cautions against opening a “Pandora’s box,” as elections occur frequently in the country and may lead to a flood of bail applications from accused persons who are not serious contenders.*

In the present case, however, it cannot be said that the petitioner lacks seriousness in contesting the election. Mr. Mazumder submits that while the names of other candidates of the opposition party in West Bengal have already been declared, the candidate for the Kolkata Port constituency has not yet been announced due to the pendency of the present bail application. A letter from the President of the State unit of the party has also been produced, indicating that the petitioner’s name has been proposed for candidature.

In view of the aforesaid facts, this Court is of the opinion that the petitioner is not seeking bail merely as a pretext for contesting the election.”

6. Reference was also made to the judgment of the Hon’ble Supreme Court in **Arvind Kejriwal v. Directorate of Enforcement** reported in **(2024) 9 SCC 577**, and reliance was placed on paragraphs 15 and 17 thereof:

“15. Arvind Kejriwal was arrested, as noted above, on 21-3-2024. More importantly, legality and validity of the arrest itself is under challenge before the Supreme Court and we are yet to finally pronounce on the same. The fact situation cannot be compared with harvesting of crops or plea to look after business affairs. In this background, once the matter is sub judice and the questions relating to legality of arrest are under consideration, a more holistic and libertarian view is justified, in the background that the 18th Lok Sabha General Elections are being held.

17. We would reject the argument that the reasoning recorded by us in paras 6, 7 and 13, results in grant of privilege or special status to politicians. As observed in paras 6, 7 and 13, several peculiarities of the case have weighed with us. In Siba Shankar Das v. State of Odisha [Siba Shankar Das v. State of Odisha, 2024 SCC OnLine SC 410] , this Court accepting the appeal, deleted the condition imposed by the High Court stipulating that the appellant shall not be involved in any political activities, directly or indirectly. Imposition of this condition, the order holds, would breach fundamental rights. No such condition should be imposed. A coordinate Bench of this Court in State of A.P. v. Nara Chandra Babu Naidu [State of A.P. v. Nara Chandra Babu Naidu, (2024) 9 SCC 584] , in an appeal filed by the State, by an interim order has deleted the condition restraining the respondent therein from organising or participating in public rallies and meetings, thereby permitting him to participate in the political process. This

petition seeking special leave to appeal is still pending.”

7. Mr. Majumdar, learned Additional Advocate General, opposes the prayer for bail and at the outset refers to the applications under Section 321 of the Code of Criminal Procedure. He submits that in some cases, the learned Magistrate allowed such applications which in other cases the application under Section 321 of the Code of Criminal Procedure was not pressed. Concerning the issue relating to withdrawal of all the criminal cases, two public interest litigations were preferred before the Hon'ble High Court at Calcutta, being **WPA (P) 68 of 2021, Nilanjan Adhikary v. State of West Bengal** and Others, and **WPA(P) 67 of 2021, Dipak Mishra v. State of West Bengal and Ors.** It was contended that, by an order dated 05.03.2021, the Division Bench was pleased to observe as follows:

“...Be that as it may, having considered the stereotype orders which are impugned in these writ petitions and looking into the contents of those orders, we are, prima facie, satisfied that exercise of judicial power in terms of Section 321 Cr. P.C. to grant consent to a prosecutor to withdraw has, prima facie, not been appropriately exercised. We make this cautious observation because the formation of opinion of a prosecutor to withdraw a particular case from prosecution is, itself, an activity which is regulated by the statute and the judicial precedents governing the field. Only when the judicial authority is satisfied that the public prosecutor has acted in terms of the

sound and well-settled principles touching the withdrawal of prosecution, would the judicial authority consider whether consent ought to be granted to enable such withdrawal. We, therefore, are of the view that the impugned orders deserve to have a deeper look at our hands and we are satisfied that the consequence of the orders impugned in these writ petitions should stand stayed until a final decision is taken in these writ petitions.”

8. By the same order, the Division Bench was pleased to stay the orders passed by the learned Magistrate allowing the applications under Section 321 of the Code of Criminal Procedure. The writ petitions were finally disposed of by a judgment and order dated 10.02.2025, allowing the writ petitions and setting aside the orders of withdrawal passed by the learned Magistrate, as well as the State’s decision to exercise the power under Section 321 of the Code of Criminal Procedure. The Court’s attention was drawn to paragraphs 48, 68 and 89 of the said judgment, which are set out below:

“48. Writ petitioner in the second writ petition has assailed steps taken by the State in respect of 6 police cases relating to Nandigram Police Station. The 6 police cases of Nandigram Police Station are FIR No. 111/09 dated May 10, 2009, 75/07 dated April 30, 2007, 80/07 dated May 2, 2007, 188/07 dated November 8, 2007, 156/07 dated October 10, 2007 and 221/07 dated November 15, 2007. In all the 6 police cases, chargesheets had been filed. Nandigram Police Station case No. 111/09 dated May 10, 2009 involves 3 dead persons, Nandigram Police Station

case No. 75/07 dated April 30, 2007 involves one dead person, Nandigram Police Station May 2, 2007 involves one dead person, Nandigram Police Station case No. 188/07 dated November 8, 2007 involves 3 dead persons, Nandigram Police Station case No. 156/07 dated October 10, 2007 involves one dead person, Nandigram Police Station case No. 221/07 dated November 15, 2007 involves one dead person.

68. *Out of the 10 criminal cases involved in the present 2 writ petitions, 9 of the criminal cases involve murder. All 10 involve heinous crimes. Yet one of the grounds for undertaking an exercise under section 321 of the criminal procedure code is lack of evidence. This so-called lack of evidence was not present when chargesheets were filed in respect of all the 10 criminal cases. Materials in the case diary do not suggest that, there are lack of evidence. Failure of the prosecution to establish such evidence at the trial cannot be equated with lack of evidence. Significantly, the Cabinet memorandum refers to right of private defence being employed. Consequently, the State is aware of the persons who allegedly set up the plea of private defence. It is for the Courts at a trial to decide whether such a plea relating to homicide is acceptable or not. It is not for the State to adjudicate such plea or act thereon.*

89. *Accused in the 10 criminal cases must stand trial. Murders did take place. Post-mortem reports available with the case diaries establish such fact. Therefore, as on date, in the society there are persons who are guilty of such murders. Allowing the prosecution to withdraw under Section 321 of the Criminal Procedure Code will not be in public interest. In fact, it would cause public harm and injury.”*

9. It is further contended that the petitioner was initially arrested in connection with Nandigram Police Station Case No. 188 of 2007 and was subsequently shown as arrested in connection with the present case, being Nandigram Police Station Case No. 221 of 2007.
10. Learned Additional Advocate General appearing on behalf of the State further emphasised that the petitioner cannot claim bail as a matter of right merely because he is a candidate contesting an election; his prayer must be considered on the same footing as that of any other person. In this regard, the Court's attention was drawn to ***Mohd. Tahir Hussain v. State (NCT of Delhi)***, in Special Leave Petition (Criminal) No. 856 of 2025. It was submitted that the question whether a person can claim release on bail or interim bail for canvassing and contesting in an election arose before the Hon'ble Supreme Court. The Court's attention was drawn to the judgments delivered by Hon'ble Justice Pankaj Mithal and Hon'ble Justice Ahsanuddin Amanullah. As the Hon'ble Judges differed, the matter was referred to a Larger Bench. The State also drew attention to the final order of the Larger Bench, submitting that the petitioner therein had modified his prayer before that Hon'ble Larger Bench and sought custody parole for a limited period, which was allowed subject to payment of costs.
11. On behalf of the State further relied upon **Ritlal Yadav v. State of Bihar**, reported in **2025 SCC OnLine Pat 4204**,

on the same issue and submitted that the prayer of the petitioner therein was turned down by the Hon'ble Patna High Court and that its decision was affirmed by the Hon'ble Supreme Court.

12. Learned Additional Advocate General also referred to the order of bail passed in MAT/1651/2026 wherein the order of the Hon'ble Single Bench was subject matter of challenge relating to the order of shown arrest being stayed.
13. I have taken into account the submissions of the respective parties, before proceeding further, it is necessary to consider the judgments relating to the grant or refusal of bail or interim bail in the factual circumstances of each case.
14. In **Arvind Kejriwal** (supra), the petitioner was in custody when he prayed for bail or interim bail to campaign in the elections to be held for the 18th Lok Sabha General Election.
15. In **Rakesh Kumar Singh** (supra), the petitioner was in custody when he prayed for bail to contest the elections. Interim bail was granted after the Court considered a letter from the President of the political party then in opposition.
16. In **Mohd. Tahir Hussain** (supra), the bail application was filed when the petitioner was in custody and intended to contest the elections.

17. In **Ritlal Yadav** (supra), the petitioner was in custody and prayed for release to file his nomination for contesting the election.
18. This Court is considering a prayer for bail or interim bail. As such, the judgments referred to by the State concerning withdrawal of prosecution under Section 321 of the Code of Criminal Procedure have no relevance to the present prayer.
19. The petitioner's case is factually distinct from the cases considered in the judgments relied upon by both parties. The petitioner was taken into custody after filing his nomination on 15.09.2026; he was not in custody when he filed the nomination papers. The petitioner claims that he has been arrested in connection with cases that are 19 years old, arising from violence that erupted and continued throughout 2007 between villagers apprehensive of eviction, displacement and loss of their land for the establishment of a chemical hub, and the police administration, while acting on behalf of the Government, behaved in an oppressive manner. The events at Nandigram form part of the history of West Bengal, particularly the farmers' struggle to protect the land acquisition to which they were deeply attached. The Calcutta High Court took suo moto cognizance of the Nandigram violence which dealt with indiscriminate police firing on protesters without provocation resulting

in death of 14 civilians. The CBI was directed to initiate criminal enquiry/investigation to such police action.

20. The following issues arise for consideration while disposing of the bail application:

- (i)** The petitioner is a political activist who was associated with the land movement at Nandigram in 2007. His political involvement is also evident from his participation in the present election as the candidate of a political party.
- (ii)** The petitioner is accused in several murder cases. All the cases relate to the year 2007 and are associated with two police stations, namely, Nandigram Police Station and Khejuri Police Station.
- (iii)** Petitioner's case is distinguishable from the judgments relied upon by the respective parties. In none of those cases was a contesting candidate arrested after filing his nomination papers. In *Rakesh Kumar Singh (supra)*, a Coordinate Bench granted interim bail, but the circumstances were not similar. The Court specifically observed in that case that the petitioner was not claiming bail on the pretext of contesting the election.
- (iv)** The police authorities and both police stations had opportunities to execute the processes in these cases, which are more than 19 years old. In some of the judgements relied upon, an accused person already in custody filed nomination papers and

sought release on parole to canvass and contest the election.

(v) The Hon'ble Supreme Court's observation in Arvind Kejriwal (supra) that a holistic approach must be adopted applies to the present petitioner as well.

21. Relying upon the aforesaid judgments and the concept of interim bail as has been detailed in paragraphs 8 to 13 in the judgement of Arvind Kejriwal (supra), I am of the opinion that petitioner may be granted an opportunity to contest the election and to that effect he may be released on interim bail.
22. Accordingly, the petitioner, namely, **Milan Pradhan** shall be released on interim bail upon furnishing 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 learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur.
23. If on bail, the petitioner shall provide his mobile phone number to the Officer-in-Charge of Nandigram police station who would regularly call the petitioner between 10.30 am - 11.30 am and 8.30 pm - 9.30 pm twice regularly to check the whereabouts of the petitioner.
24. The said interim bail will be valid for three weeks till **20th of October, 2026.**

25. Petitioner will surrender himself before the learned Jurisdictional Court being learned Additional Chief Judicial Magistrate, Haldia on 21st of October, 2026.
26. With the aforesaid observations, CRM (M) 2514 of 2026 is **disposed of.**
27. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
28. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

29.09.2026
Court No.35.
D/L.07.
(Rakib/
Suman(PA))

CRM (M) 2515 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Nandigram PS Case No. 75 of 2007 dated 30.04.2007 under Sections 147/148/149/448/302/506 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

And

In the matter of : Milan Pradhan

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sanjay Banerjee
Mr. Zohaib Rauf
Mr. Ajitesh Pandey
Ms. Sriparna Das
Mr. Sk. Anwar Ali
Mr. Jayanta Narayan Das
Mr. S. Ghosh
Mr. Prasant Bagchi
Ms. Sumitra Neogi
Mr. Abid Jamal
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.....for the Petitioner.

Mr. Rajdeep Majumdar, Ld. AAG,
Mr. Kallol Mondal, Ld. PP
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1. Mr. Mukherjee, learned Senior Advocate appearing on behalf of the petitioner, submits that in 2007, owing to the Government's proposed acquisition of land for

creating a chemical hub at Nandigram, there was mass agitation, which led to several criminal cases being registered at the Nandigram and Khejuri Police Stations. The petitioner was falsely implicated in those cases for political reasons and with an ulterior motive.

2. According to him, the petitioner is a respectable businessman of the area and was deeply involved in the historic anti-land acquisition movement in Nandigram in 2007. He is a member of the Indian National Congress and an office-bearer of the West Bengal Pradesh Congress Committee.
3. It was submitted that the petitioner filed his nomination papers for contesting the elections on 15-09-2026. He was pressurized to withdraw his nomination on 18-09-2026 and was thereafter arrested in connection with cases arising out of the 2007 land agitation, which were engineered to suppress farmers seeking to protect their land.
4. It was only after petitioner filed his nomination papers that the police authorities executed such a warrant for the first time in 19 years.
5. Learned Senior Advocate relied upon the judgment in ***Rakesh Kumar Singh in CRM (M) 776 of 2026*** and referred to the relevant paragraphs of the judgment which are as follows:

*“....the case of **Mohd. Tahir Hussain** involved the murder of an Intelligence Officer of the Union Home*

Ministry, and even in such a grave matter, custody parole was granted for contesting elections.

*At the same time, the possibility of misuse of interim bail on the pretext of contesting elections cannot be ruled out. **Mohd. Tahir Hussain** cautions against opening a “Pandora’s box,” as elections occur frequently in the country and may lead to a flood of bail applications from accused persons who are not serious contenders.*

In the present case, however, it cannot be said that the petitioner lacks seriousness in contesting the election. Mr. Mazumder submits that while the names of other candidates of the opposition party in West Bengal have already been declared, the candidate for the Kolkata Port constituency has not yet been announced due to the pendency of the present bail application. A letter from the President of the State unit of the party has also been produced, indicating that the petitioner’s name has been proposed for candidature.

In view of the aforesaid facts, this Court is of the opinion that the petitioner is not seeking bail merely as a pretext for contesting the election.”

6. Reference was also made to the judgment of the Hon’ble Supreme Court in **Arvind Kejriwal v. Directorate of Enforcement** reported in **(2024) 9 SCC 577**, and reliance was placed on paragraphs 15 and 17 thereof:

“15. Arvind Kejriwal was arrested, as noted above, on 21-3-2024. More importantly, legality and validity of the arrest itself is under challenge before the Supreme Court and we are yet to finally pronounce on the same. The fact situation cannot be compared with harvesting of crops or plea to look after business affairs. In this background, once the matter is sub judice and the questions relating to legality of arrest are under consideration, a more holistic and libertarian view is justified, in the background that the 18th Lok Sabha General Elections are being held.

17. We would reject the argument that the reasoning recorded by us in paras 6, 7 and 13, results in grant of privilege or special status to politicians. As observed in paras 6, 7 and 13, several peculiarities of the case have weighed with us. In Siba Shankar Das v. State of Odisha [Siba Shankar Das v. State of Odisha, 2024 SCC OnLine SC 410] , this Court accepting the appeal, deleted the condition imposed by the High Court stipulating that the appellant shall not be involved in any political activities, directly or indirectly. Imposition of this condition, the order holds, would breach fundamental rights. No such condition should be imposed. A coordinate Bench of this Court in State of A.P. v. Nara Chandra Babu Naidu [State of A.P. v. Nara Chandra Babu Naidu, (2024) 9 SCC 584] , in an appeal filed by the State, by an interim order has deleted the condition restraining the respondent therein from organising or participating in public rallies and meetings, thereby permitting him to participate in the political process. This

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“...Be that as it may, having considered the stereotype orders which are impugned in these writ petitions and looking into the contents of those orders, we are, prima facie, satisfied that exercise of judicial power in terms of Section 321 Cr. P.C. to grant consent to a prosecutor to withdraw has, prima facie, not been appropriately exercised. We make this cautious observation because the formation of opinion of a prosecutor to withdraw a particular case from prosecution is, itself, an activity which is regulated by the statute and the judicial precedents governing the field. Only when the judicial authority is satisfied that the public prosecutor has acted in terms of the

sound and well-settled principles touching the withdrawal of prosecution, would the judicial authority consider whether consent ought to be granted to enable such withdrawal. We, therefore, are of the view that the impugned orders deserve to have a deeper look at our hands and we are satisfied that the consequence of the orders impugned in these writ petitions should stand stayed until a final decision is taken in these writ petitions.”

8. By the same order, the Division Bench was pleased to stay the orders passed by the learned Magistrate allowing the applications under Section 321 of the Code of Criminal Procedure. The writ petitions were finally disposed of by a judgment and order dated 10.02.2025, allowing the writ petitions and setting aside the orders of withdrawal passed by the learned Magistrate, as well as the State’s decision to exercise the power under Section 321 of the Code of Criminal Procedure. The Court’s attention was drawn to paragraphs 48, 68 and 89 of the said judgment, which are set out below:

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89. *Accused in the 10 criminal cases must stand trial. Murders did take place. Post-mortem reports available with the case diaries establish such fact. Therefore, as on date, in the society there are persons who are guilty of such murders. Allowing the prosecution to withdraw under Section 321 of the Criminal Procedure Code will not be in public interest. In fact, it would cause public harm and injury.”*

9. It is further contended that the petitioner was initially arrested in connection with Nandigram Police Station Case No. 188 of 2007 and was subsequently shown as arrested in connection with the present case, being Nandigram Police Station Case No. 75 of 2007.
10. Learned Additional Advocate General appearing on behalf of the State further emphasised that the petitioner cannot claim bail as a matter of right merely because he is a candidate contesting an election; his prayer must be considered on the same footing as that of any other person. In this regard, the Court's attention was drawn to ***Mohd. Tahir Hussain v. State (NCT of Delhi)***, in Special Leave Petition (Criminal) No. 856 of 2025. It was submitted that the question whether a person can claim release on bail or interim bail for canvassing and contesting in an election arose before the Hon'ble Supreme Court. The Court's attention was drawn to the judgments delivered by Hon'ble Justice Pankaj Mithal and Hon'ble Justice Ahsanuddin Amanullah. As the Hon'ble Judges differed, the matter was referred to a Larger Bench. The State also drew attention to the final order of the Larger Bench, submitting that the petitioner therein had modified his prayer before that Hon'ble Larger Bench and sought custody parole for a limited period, which was allowed subject to payment of costs.
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12. Learned Additional Advocate General also referred to the order of bail passed in MAT/1651/2026 wherein the order of the Hon'ble Single Bench was subject matter of challenge relating to the order of shown arrest being stayed.
13. I have taken into account the submissions of the respective parties, before proceeding further, it is necessary to consider the judgments relating to the grant or refusal of bail or interim bail in the factual circumstances of each case.
14. In **Arvind Kejriwal** (supra), the petitioner was in custody when he prayed for bail or interim bail to campaign in the elections to be held for the 18th Lok Sabha General Election.
15. In **Rakesh Kumar Singh** (supra), the petitioner was in custody when he prayed for bail to contest the elections. Interim bail was granted after the Court considered a letter from the President of the political party then in opposition.
16. In **Mohd. Tahir Hussain** (supra), the bail application was filed when the petitioner was in custody and intended to contest the elections.

17. In **Ritlal Yadav** (supra), the petitioner was in custody and prayed for release to file his nomination for contesting the election.
18. This Court is considering a prayer for bail or interim bail. As such, the judgments referred to by the State concerning withdrawal of prosecution under Section 321 of the Code of Criminal Procedure have no relevance to the present prayer.
19. The petitioner's case is factually distinct from the cases considered in the judgments relied upon by both parties. The petitioner was taken into custody after filing his nomination on 15.09.2026; he was not in custody when he filed the nomination papers. The petitioner claims that he has been arrested in connection with cases that are 19 years old, arising from violence that erupted and continued throughout 2007 between villagers apprehensive of eviction, displacement and loss of their land for the establishment of a chemical hub, and the police administration, while acting on behalf of the Government, behaved in an oppressive manner. The events at Nandigram form part of the history of West Bengal, particularly the farmers' struggle to protect the land acquisition to which they were deeply attached. The Calcutta High Court took suo moto cognizance of the Nandigram violence which dealt with indiscriminate police firing on protesters without provocation resulting

in death of 14 civilians. The CBI was directed to initiate criminal enquiry/investigation to such police action.

20. The following issues arise for consideration while disposing of the bail application:

- (i)** The petitioner is a political activist who was associated with the land movement at Nandigram in 2007. His political involvement is also evident from his participation in the present election as the candidate of a political party.
- (ii)** The petitioner is accused in several murder cases. All the cases relate to the year 2007 and are associated with two police stations, namely, Nandigram Police Station and Khejuri Police Station.
- (iii)** Petitioner's case is distinguishable from the judgments relied upon by the respective parties. In none of those cases was a contesting candidate arrested after filing his nomination papers. In *Rakesh Kumar Singh (supra)*, a Coordinate Bench granted interim bail, but the circumstances were not similar. The Court specifically observed in that case that the petitioner was not claiming bail on the pretext of contesting the election.
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sought release on parole to canvass and contest the election.

(v) The Hon'ble Supreme Court's observation in Arvind Kejriwal (supra) that a holistic approach must be adopted applies to the present petitioner as well.

21. Relying upon the aforesaid judgments and the concept of interim bail as has been detailed in paragraphs 8 to 13 in the judgement of Arvind Kejriwal (supra), I am of the opinion that petitioner may be granted an opportunity to contest the election and to that effect he may be released on interim bail.
22. Accordingly, the petitioner, namely, **Milan Pradhan** shall be released on interim bail upon furnishing 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 learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur.
23. If on bail, the petitioner shall provide his mobile phone number to the Officer-in-Charge of Nandigram police station who would regularly call the petitioner between 10.30 am - 11.30 am and 8.30 pm - 9.30 pm twice regularly to check the whereabouts of the petitioner.
24. The said interim bail will be valid for three weeks till **20th of October, 2026.**

25. Petitioner will surrender himself before the learned Jurisdictional Court being learned Additional Chief Judicial Magistrate, Haldia on 21st of October, 2026.
26. With the aforesaid observations, CRM (M) 2515 of 2026 is **disposed of.**
27. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
28. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

29.09.2026
Court No.35.
D/L.08.
(Rakib/
Suman(PA))

CRM (M) 2577 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Khejuri PS Case No. 45 of 2007 dated 31.07.2007 under Sections 148/149/326/307/302/379/427 of the Indian Penal Code, 1860.

And

In the matter of : Milan Pradhan

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sanjay Banerjee
Mr. Zohaib Rauf
Mr. Ajitesh Pandey
Ms. Sriparna Das
Mr. Sk. Anwar Ali
Mr. Jayanta Narayan Das
Mr. S. Ghosh
Mr. Prasant Bagchi
Ms. Sumitra Neogi
Mr. Abid Jamal
Mr. Manojit Bhattacharya
Ms. Anjana Banaejee
Ms. Srabani Mukhopadhyay
Mr. Samirul Sardar
Mr. Mrinmoy Bhattacharyya
Mr. Abhi Bhattacharya
Mr. Arka Chakraborty
Mr. Anish Mukherjee
Mr. Kundan Bharti
Mr. Manish Ojha
Mr. Asfak Ahammed

.....for the Petitioner.

Mr. Rajdeep Majumdar, Ld. AAG,
Mr. Kallol Mondal, Ld. PP
Mr. Moyukh Mukherjee
Ms. Arushi Rathore

.....for the State.

1. Mr. Mukherjee, learned Senior Advocate appearing on behalf of the petitioner, submits that in 2007, owing to the Government's proposed acquisition of land for creating a chemical hub at Nandigram, there was mass

agitation, which led to several criminal cases being registered at the Nandigram and Khejuri Police Stations. The petitioner was falsely implicated in those cases for political reasons and with an ulterior motive.

2. According to him, the petitioner is a respectable businessman of the area and was deeply involved in the historic anti-land acquisition movement in Nandigram in 2007. He is a member of the Indian National Congress and an office-bearer of the West Bengal Pradesh Congress Committee.
3. It was submitted that the petitioner filed his nomination papers for contesting the elections on 15-09-2026. He was pressurized to withdraw his nomination on 18-09-2026 and was thereafter arrested in connection with cases arising out of the 2007 land agitation, which were engineered to suppress farmers seeking to protect their land.
4. It was only after petitioner filed his nomination papers that the police authorities executed such a warrant for the first time in 19 years.
5. Learned Senior Advocate relied upon the judgment in ***Rakesh Kumar Singh in CRM (M) 776 of 2026*** and referred to the relevant paragraphs of the judgment which are as follows:

*“....the case of **Mohd. Tahir Hussain** involved the murder of an Intelligence Officer of the Union Home*

Ministry, and even in such a grave matter, custody parole was granted for contesting elections.

*At the same time, the possibility of misuse of interim bail on the pretext of contesting elections cannot be ruled out. **Mohd. Tahir Hussain** cautions against opening a “Pandora’s box,” as elections occur frequently in the country and may lead to a flood of bail applications from accused persons who are not serious contenders.*

In the present case, however, it cannot be said that the petitioner lacks seriousness in contesting the election. Mr. Mazumder submits that while the names of other candidates of the opposition party in West Bengal have already been declared, the candidate for the Kolkata Port constituency has not yet been announced due to the pendency of the present bail application. A letter from the President of the State unit of the party has also been produced, indicating that the petitioner’s name has been proposed for candidature.

In view of the aforesaid facts, this Court is of the opinion that the petitioner is not seeking bail merely as a pretext for contesting the election.”

6. Reference was also made to the judgment of the Hon’ble Supreme Court in **Arvind Kejriwal v. Directorate of Enforcement** reported in **(2024) 9 SCC 577**, and reliance was placed on paragraphs 15 and 17 thereof:

“15. Arvind Kejriwal was arrested, as noted above, on 21-3-2024. More importantly, legality and validity of the arrest itself is under challenge before the Supreme Court and we are yet to finally pronounce on the same. The fact situation cannot be compared with harvesting of crops or plea to look after business affairs. In this background, once the matter is sub judice and the questions relating to legality of arrest are under consideration, a more holistic and libertarian view is justified, in the background that the 18th Lok Sabha General Elections are being held.

17. We would reject the argument that the reasoning recorded by us in paras 6, 7 and 13, results in grant of privilege or special status to politicians. As observed in paras 6, 7 and 13, several peculiarities of the case have weighed with us. In Siba Shankar Das v. State of Odisha [Siba Shankar Das v. State of Odisha, 2024 SCC OnLine SC 410] , this Court accepting the appeal, deleted the condition imposed by the High Court stipulating that the appellant shall not be involved in any political activities, directly or indirectly. Imposition of this condition, the order holds, would breach fundamental rights. No such condition should be imposed. A coordinate Bench of this Court in State of A.P. v. Nara Chandra Babu Naidu [State of A.P. v. Nara Chandra Babu Naidu, (2024) 9 SCC 584] , in an appeal filed by the State, by an interim order has deleted the condition restraining the respondent therein from organising or participating in public rallies and meetings, thereby permitting him to participate in the political process. This

petition seeking special leave to appeal is still pending.”

7. Mr. Majumdar, learned Additional Advocate General, opposes the prayer for bail and at the outset refers to the applications under Section 321 of the Code of Criminal Procedure. He submits that in some cases, the learned Magistrate allowed such applications which in other cases the application under Section 321 of the Code of Criminal Procedure was not pressed. Concerning the issue relating to withdrawal of all the criminal cases, two public interest litigations were preferred before the Hon’ble High Court at Calcutta, being **WPA (P) 68 of 2021, Nilanjan Adhikary v. State of West Bengal** and Others, and **WPA(P) 67 of 2021, Dipak Mishra v. State of West Bengal and Ors.** It was contended that, by an order dated 05.03.2021, the Division Bench was pleased to observe as follows:

“...Be that as it may, having considered the stereotype orders which are impugned in these writ petitions and looking into the contents of those orders, we are, prima facie, satisfied that exercise of judicial power in terms of Section 321 Cr. P.C. to grant consent to a prosecutor to withdraw has, prima facie, not been appropriately exercised. We make this cautious observation because the formation of opinion of a prosecutor to withdraw a particular case from prosecution is, itself, an activity which is regulated by the statute and the judicial precedents governing the field. Only when the judicial authority is satisfied that the public prosecutor has acted in terms of the

sound and well-settled principles touching the withdrawal of prosecution, would the judicial authority consider whether consent ought to be granted to enable such withdrawal. We, therefore, are of the view that the impugned orders deserve to have a deeper look at our hands and we are satisfied that the consequence of the orders impugned in these writ petitions should stand stayed until a final decision is taken in these writ petitions.”

8. By the same order, the Division Bench was pleased to stay the orders passed by the learned Magistrate allowing the applications under Section 321 of the Code of Criminal Procedure. The writ petitions were finally disposed of by a judgment and order dated 10.02.2025, allowing the writ petitions and setting aside the orders of withdrawal passed by the learned Magistrate, as well as the State’s decision to exercise the power under Section 321 of the Code of Criminal Procedure. The Court’s attention was drawn to paragraphs 48, 68 and 89 of the said judgment, which are set out below:

“48. Writ petitioner in the second writ petition has assailed steps taken by the State in respect of 6 police cases relating to Nandigram Police Station. The 6 police cases of Nandigram Police Station are FIR No. 111/09 dated May 10, 2009, 75/07 dated April 30, 2007, 80/07 dated May 2, 2007, 188/07 dated November 8, 2007, 156/07 dated October 10, 2007 and 221/07 dated November 15, 2007. In all the 6 police cases, chargesheets had been filed. Nandigram Police Station case No. 111/09 dated May 10, 2009 involves 3 dead persons, Nandigram Police Station

case No. 75/07 dated April 30, 2007 involves one dead person, Nandigram Police Station May 2, 2007 involves one dead person, Nandigram Police Station case No. 188/07 dated November 8, 2007 involves 3 dead persons, Nandigram Police Station case No. 156/07 dated October 10, 2007 involves one dead person, Nandigram Police Station case No. 221/07 dated November 15, 2007 involves one dead person.

68. *Out of the 10 criminal cases involved in the present 2 writ petitions, 9 of the criminal cases involve murder. All 10 involve heinous crimes. Yet one of the grounds for undertaking an exercise under section 321 of the criminal procedure code is lack of evidence. This so-called lack of evidence was not present when chargesheets were filed in respect of all the 10 criminal cases. Materials in the case diary do not suggest that, there are lack of evidence. Failure of the prosecution to establish such evidence at the trial cannot be equated with lack of evidence. Significantly, the Cabinet memorandum refers to right of private defence being employed. Consequently, the State is aware of the persons who allegedly set up the plea of private defence. It is for the Courts at a trial to decide whether such a plea relating to homicide is acceptable or not. It is not for the State to adjudicate such plea or act thereon.*

89. *Accused in the 10 criminal cases must stand trial. Murders did take place. Post-mortem reports available with the case diaries establish such fact. Therefore, as on date, in the society there are persons who are guilty of such murders. Allowing the prosecution to withdraw under Section 321 of the Criminal Procedure Code will not be in public interest. In fact, it would cause public harm and injury.”*

9. It is further contended that the petitioner was initially arrested in connection with Nandigram Police Station Case No. 188 of 2007 and was subsequently shown as arrested in connection with the present case, being Khejuri Police Station Case No. 45 of 2007.
10. Learned Additional Advocate General appearing on behalf of the State further emphasised that the petitioner cannot claim bail as a matter of right merely because he is a candidate contesting an election; his prayer must be considered on the same footing as that of any other person. In this regard, the Court's attention was drawn to ***Mohd. Tahir Hussain v. State (NCT of Delhi)***, in Special Leave Petition (Criminal) No. 856 of 2025. It was submitted that the question whether a person can claim release on bail or interim bail for canvassing and contesting in an election arose before the Hon'ble Supreme Court. The Court's attention was drawn to the judgments delivered by Hon'ble Justice Pankaj Mithal and Hon'ble Justice Ahsanuddin Amanullah. As the Hon'ble Judges differed, the matter was referred to a Larger Bench. The State also drew attention to the final order of the Larger Bench, submitting that the petitioner therein had modified his prayer before that Hon'ble Larger Bench and sought custody parole for a limited period, which was allowed subject to payment of costs.
11. On behalf of the State further relied upon **Ritlal Yadav v. State of Bihar**, reported in **2025 SCC OnLine Pat 4204**,

on the same issue and submitted that the prayer of the petitioner therein was turned down by the Hon'ble Patna High Court and that its decision was affirmed by the Hon'ble Supreme Court.

12. Learned Additional Advocate General also referred to the order of bail passed in MAT/1651/2026 wherein the order of the Hon'ble Single Bench was subject matter of challenge relating to the order of shown arrest being stayed.
13. I have taken into account the submissions of the respective parties, before proceeding further, it is necessary to consider the judgments relating to the grant or refusal of bail or interim bail in the factual circumstances of each case.
14. In **Arvind Kejriwal** (supra), the petitioner was in custody when he prayed for bail or interim bail to campaign in the elections to be held for the 18th Lok Sabha General Election.
15. In **Rakesh Kumar Singh** (supra), the petitioner was in custody when he prayed for bail to contest the elections. Interim bail was granted after the Court considered a letter from the President of the political party then in opposition.
16. In **Mohd. Tahir Hussain** (supra), the bail application was filed when the petitioner was in custody and intended to contest the elections.

17. In **Ritlal Yadav** (supra), the petitioner was in custody and prayed for release to file his nomination for contesting the election.
18. This Court is considering a prayer for bail or interim bail. As such, the judgments referred to by the State concerning withdrawal of prosecution under Section 321 of the Code of Criminal Procedure have no relevance to the present prayer.
19. The petitioner's case is factually distinct from the cases considered in the judgments relied upon by both parties. The petitioner was taken into custody after filing his nomination on 15.09.2026; he was not in custody when he filed the nomination papers. The petitioner claims that he has been arrested in connection with cases that are 19 years old, arising from violence that erupted and continued throughout 2007 between villagers apprehensive of eviction, displacement and loss of their land for the establishment of a chemical hub, and the police administration, while acting on behalf of the Government, behaved in an oppressive manner. The events at Nandigram form part of the history of West Bengal, particularly the farmers' struggle to protect the land acquisition to which they were deeply attached. The Calcutta High Court took suo moto cognizance of the Nandigram violence which dealt with indiscriminate police firing on protesters without provocation resulting

in death of 14 civilians. The CBI was directed to initiate criminal enquiry/investigation to such police action.

20. The following issues arise for consideration while disposing of the bail application:

- (i)** The petitioner is a political activist who was associated with the land movement at Nandigram in 2007. His political involvement is also evident from his participation in the present election as the candidate of a political party.
- (ii)** The petitioner is accused in several murder cases. All the cases relate to the year 2007 and are associated with two police stations, namely, Nandigram Police Station and Khejuri Police Station.
- (iii)** Petitioner's case is distinguishable from the judgments relied upon by the respective parties. In none of those cases was a contesting candidate arrested after filing his nomination papers. In *Rakesh Kumar Singh (supra)*, a Coordinate Bench granted interim bail, but the circumstances were not similar. The Court specifically observed in that case that the petitioner was not claiming bail on the pretext of contesting the election.
- (iv)** The police authorities and both police stations had opportunities to execute the processes in these cases, which are more than 19 years old. In some of the judgements relied upon, an accused person already in custody filed nomination papers and

sought release on parole to canvass and contest the election.

(v) The Hon'ble Supreme Court's observation in Arvind Kejriwal (supra) that a holistic approach must be adopted applies to the present petitioner as well.

21. Relying upon the aforesaid judgments and the concept of interim bail as has been detailed in paragraphs 8 to 13 in the judgement of Arvind Kejriwal (supra), I am of the opinion that petitioner may be granted an opportunity to contest the election and to that effect he may be released on interim bail.
22. Accordingly, the petitioner, namely, **Milan Pradhan** shall be released on interim bail upon furnishing 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 learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur.
23. If on bail, the petitioner shall provide his mobile phone number to the Officer-in-Charge of Khejuri police station who would regularly call the petitioner between 10.30 am - 11.30 am and 8.30 pm - 9.30 pm twice regularly to check the whereabouts of the petitioner.
24. The said interim bail will be valid for three weeks till **20th of October, 2026.**

25. Petitioner will surrender himself before the learned Jurisdictional Court being learned Additional Chief Judicial Magistrate, Contai on 21st of October, 2026.
26. With the aforesaid observations, CRM (M) 2577 of 2026 is **disposed of.**
27. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
28. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

29.09.2026
Court No.35.
D/L.09.
(Rakib/
Suman(PA))

CRM (M) 2578 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Khejuri PS Case No. 44 of 2007 dated 30.07.2007 under Sections 148/149/302 of the Indian Penal Code, 1860 and Sections 25/35 of the Arms Act, 1959.

And

In the matter of : Milan Pradhan

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sanjay Banerjee
Mr. Zohaib Rauf
Mr. Ajitesh Pandey
Ms. Sriparna Das
Mr. Sk. Anwar Ali
Mr. Jayanta Narayan Das
Mr. S. Ghosh
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.....for the Petitioner.

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Mr. Kallol Mondal, Ld. PP
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1. Mr. Mukherjee, learned Senior Advocate appearing on behalf of the petitioner, submits that in 2007, owing to the Government's proposed acquisition of land for

creating a chemical hub at Nandigram, there was mass agitation, which led to several criminal cases being registered at the Nandigram and Khejuri Police Stations. The petitioner was falsely implicated in those cases for political reasons and with an ulterior motive.

2. According to him, the petitioner is a respectable businessman of the area and was deeply involved in the historic anti-land acquisition movement in Nandigram in 2007. He is a member of the Indian National Congress and an office-bearer of the West Bengal Pradesh Congress Committee.
3. It was submitted that the petitioner filed his nomination papers for contesting the elections on 15-09-2026. He was pressurized to withdraw his nomination on 18-09-2026 and was thereafter arrested in connection with cases arising out of the 2007 land agitation, which were engineered to suppress farmers seeking to protect their land.
4. It was only after petitioner filed his nomination papers that the police authorities executed such a warrant for the first time in 19 years.
5. Learned Senior Advocate relied upon the judgment in **Rakesh Kumar Singh in CRM (M) 776 of 2026** and referred to the relevant paragraphs of the judgment which are as follows:

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*At the same time, the possibility of misuse of interim bail on the pretext of contesting elections cannot be ruled out. **Mohd. Tahir Hussain** cautions against opening a “Pandora’s box,” as elections occur frequently in the country and may lead to a flood of bail applications from accused persons who are not serious contenders.*

In the present case, however, it cannot be said that the petitioner lacks seriousness in contesting the election. Mr. Mazumder submits that while the names of other candidates of the opposition party in West Bengal have already been declared, the candidate for the Kolkata Port constituency has not yet been announced due to the pendency of the present bail application. A letter from the President of the State unit of the party has also been produced, indicating that the petitioner’s name has been proposed for candidature.

In view of the aforesaid facts, this Court is of the opinion that the petitioner is not seeking bail merely as a pretext for contesting the election.”

6. Reference was also made to the judgment of the Hon’ble Supreme Court in **Arvind Kejriwal v. Directorate of Enforcement** reported in **(2024) 9 SCC 577**, and reliance was placed on paragraphs 15 and 17 thereof:

“15. Arvind Kejriwal was arrested, as noted above, on 21-3-2024. More importantly, legality and validity of the arrest itself is under challenge before the Supreme Court and we are yet to finally pronounce on the same. The fact situation cannot be compared with harvesting of crops or plea to look after business affairs. In this background, once the matter is sub judice and the questions relating to legality of arrest are under consideration, a more holistic and libertarian view is justified, in the background that the 18th Lok Sabha General Elections are being held.

17. We would reject the argument that the reasoning recorded by us in paras 6, 7 and 13, results in grant of privilege or special status to politicians. As observed in paras 6, 7 and 13, several peculiarities of the case have weighed with us. In Siba Shankar Das v. State of Odisha [Siba Shankar Das v. State of Odisha, 2024 SCC OnLine SC 410] , this Court accepting the appeal, deleted the condition imposed by the High Court stipulating that the appellant shall not be involved in any political activities, directly or indirectly. Imposition of this condition, the order holds, would breach fundamental rights. No such condition should be imposed. A coordinate Bench of this Court in State of A.P. v. Nara Chandra Babu Naidu [State of A.P. v. Nara Chandra Babu Naidu, (2024) 9 SCC 584] , in an appeal filed by the State, by an interim order has deleted the condition restraining the respondent therein from organising or participating in public rallies and meetings, thereby permitting him to participate in the political process. This

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“...Be that as it may, having considered the stereotype orders which are impugned in these writ petitions and looking into the contents of those orders, we are, prima facie, satisfied that exercise of judicial power in terms of Section 321 Cr. P.C. to grant consent to a prosecutor to withdraw has, prima facie, not been appropriately exercised. We make this cautious observation because the formation of opinion of a prosecutor to withdraw a particular case from prosecution is, itself, an activity which is regulated by the statute and the judicial precedents governing the field. Only when the judicial authority is satisfied that the public prosecutor has acted in terms of the

sound and well-settled principles touching the withdrawal of prosecution, would the judicial authority consider whether consent ought to be granted to enable such withdrawal. We, therefore, are of the view that the impugned orders deserve to have a deeper look at our hands and we are satisfied that the consequence of the orders impugned in these writ petitions should stand stayed until a final decision is taken in these writ petitions.”

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89. *Accused in the 10 criminal cases must stand trial. Murders did take place. Post-mortem reports available with the case diaries establish such fact. Therefore, as on date, in the society there are persons who are guilty of such murders. Allowing the prosecution to withdraw under Section 321 of the Criminal Procedure Code will not be in public interest. In fact, it would cause public harm and injury.”*

9. It is further contended that the petitioner was initially arrested in connection with Nandigram Police Station Case No. 188 of 2007 and was subsequently shown as arrested in connection with the present case, being Khejuri Police Station Case No. 44 of 2007.
10. Learned Additional Advocate General appearing on behalf of the State further emphasised that the petitioner cannot claim bail as a matter of right merely because he is a candidate contesting an election; his prayer must be considered on the same footing as that of any other person. In this regard, the Court's attention was drawn to ***Mohd. Tahir Hussain v. State (NCT of Delhi)***, in Special Leave Petition (Criminal) No. 856 of 2025. It was submitted that the question whether a person can claim release on bail or interim bail for canvassing and contesting in an election arose before the Hon'ble Supreme Court. The Court's attention was drawn to the judgments delivered by Hon'ble Justice Pankaj Mithal and Hon'ble Justice Ahsanuddin Amanullah. As the Hon'ble Judges differed, the matter was referred to a Larger Bench. The State also drew attention to the final order of the Larger Bench, submitting that the petitioner therein had modified his prayer before that Hon'ble Larger Bench and sought custody parole for a limited period, which was allowed subject to payment of costs.
11. On behalf of the State further relied upon **Ritlal Yadav v. State of Bihar**, reported in **2025 SCC OnLine Pat 4204**,

on the same issue and submitted that the prayer of the petitioner therein was turned down by the Hon'ble Patna High Court and that its decision was affirmed by the Hon'ble Supreme Court.

12. Learned Additional Advocate General also referred to the order of bail passed in MAT/1651/2026 wherein the order of the Hon'ble Single Bench was subject matter of challenge relating to the order of shown arrest being stayed.
13. I have taken into account the submissions of the respective parties, before proceeding further, it is necessary to consider the judgments relating to the grant or refusal of bail or interim bail in the factual circumstances of each case.
14. In **Arvind Kejriwal** (supra), the petitioner was in custody when he prayed for bail or interim bail to campaign in the elections to be held for the 18th Lok Sabha General Election.
15. In **Rakesh Kumar Singh** (supra), the petitioner was in custody when he prayed for bail to contest the elections. Interim bail was granted after the Court considered a letter from the President of the political party then in opposition.
16. In **Mohd. Tahir Hussain** (supra), the bail application was filed when the petitioner was in custody and intended to contest the elections.

17. In **Ritlal Yadav** (supra), the petitioner was in custody and prayed for release to file his nomination for contesting the election.
18. This Court is considering a prayer for bail or interim bail. As such, the judgments referred to by the State concerning withdrawal of prosecution under Section 321 of the Code of Criminal Procedure have no relevance to the present prayer.
19. The petitioner's case is factually distinct from the cases considered in the judgments relied upon by both parties. The petitioner was taken into custody after filing his nomination on 15.09.2026; he was not in custody when he filed the nomination papers. The petitioner claims that he has been arrested in connection with cases that are 19 years old, arising from violence that erupted and continued throughout 2007 between villagers apprehensive of eviction, displacement and loss of their land for the establishment of a chemical hub, and the police administration, while acting on behalf of the Government, behaved in an oppressive manner. The events at Nandigram form part of the history of West Bengal, particularly the farmers' struggle to protect the land acquisition to which they were deeply attached. The Calcutta High Court took suo moto cognizance of the Nandigram violence which dealt with indiscriminate police firing on protesters without provocation resulting

in death of 14 civilians. The CBI was directed to initiate criminal enquiry/investigation to such police action.

20. The following issues arise for consideration while disposing of the bail application:

- (i)** The petitioner is a political activist who was associated with the land movement at Nandigram in 2007. His political involvement is also evident from his participation in the present election as the candidate of a political party.
- (ii)** The petitioner is accused in several murder cases. All the cases relate to the year 2007 and are associated with two police stations, namely, Nandigram Police Station and Khejuri Police Station.
- (iii)** Petitioner's case is distinguishable from the judgments relied upon by the respective parties. In none of those cases was a contesting candidate arrested after filing his nomination papers. In *Rakesh Kumar Singh (supra)*, a Coordinate Bench granted interim bail, but the circumstances were not similar. The Court specifically observed in that case that the petitioner was not claiming bail on the pretext of contesting the election.
- (iv)** The police authorities and both police stations had opportunities to execute the processes in these cases, which are more than 19 years old. In some of the judgements relied upon, an accused person already in custody filed nomination papers and

sought release on parole to canvass and contest the election.

(v) The Hon'ble Supreme Court's observation in Arvind Kejriwal (supra) that a holistic approach must be adopted applies to the present petitioner as well.

21. Relying upon the aforesaid judgments and the concept of interim bail as has been detailed in paragraphs 8 to 13 in the judgement of Arvind Kejriwal (supra), I am of the opinion that petitioner may be granted an opportunity to contest the election and to that effect he may be released on interim bail.
22. Accordingly, the petitioner, namely, **Milan Pradhan** shall be released on interim bail upon furnishing 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 learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur.
23. If on bail, the petitioner shall provide his mobile phone number to the Officer-in-Charge of Khejuri police station who would regularly call the petitioner between 10.30 am - 11.30 am and 8.30 pm - 9.30 pm twice regularly to check the whereabouts of the petitioner.
24. The said interim bail will be valid for three weeks till **20th of October, 2026.**

- 25.** Petitioner will surrender himself before the learned Jurisdictional Court being learned Additional Chief Judicial Magistrate, Contai on 21st of October, 2026.
- 26.** With the aforesaid observations, CRM (M) 2578 of 2026 is **disposed of.**
- 27.** All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
- 28.** Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

29.09.2026
Court No.35.
D/L. 05.
(Rakib/
Suman(PA))

CRM (M) 2513 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Nandigram PS Case No. 188 of 2007 dated 08.11.2007 under Sections 147/148/149/324/307/302 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act, 1959.

And

In the matter of : Milan Pradhan

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sanjay Banerjee
Mr. Zohaib Rauf
Mr. Ajitesh Pandey
Ms. Sriparna Das
Mr. Sk. Anwar Ali
Mr. Jayanta Narayan Das
Mr. S. Ghosh
Mr. Prasant Bagchi
Ms. Sumitra Neogi
Mr. Abid Jamal
Mr. Manojit Bhattacharya
Ms. Anjana Banerjee
Ms. Srabani Mukhopadhyay
Mr. Samirul Sardar
Mr. Mrinmoy Bhattacharyya
Mr. Abhi Bhattacharya
Mr. Arka Chakraborty
Mr. Anish Mukherjee
Mr. Kundan Bharti
Mr. Manish Ojha
Mr. Asfak Ahammed

.....for the Petitioner.

Mr. Rajdeep Majumdar, Ld. AAG,
Mr. Kallol Mondal, Ld. PP
Mr. Moyukh Mukherjee
Ms. Arushi Rathore

.....for the State.

1. Mr. Mukherjee, learned Senior Advocate appearing on behalf of the petitioner, submits that in 2007, owing to the Government's proposed acquisition of land for

creating a chemical hub at Nandigram, there was mass agitation, which led to several criminal cases being registered at the Nandigram and Khejuri Police Stations. The petitioner was falsely implicated in those cases for political reasons and with an ulterior motive.

2. According to him, the petitioner is a respectable businessman of the area and was deeply involved in the historic anti-land acquisition movement in Nandigram in 2007. He is a member of the Indian National Congress and an office-bearer of the West Bengal Pradesh Congress Committee.
3. It was submitted that the petitioner filed his nomination papers for contesting the elections on 15-09-2026. He was pressurized to withdraw his nomination on 18-09-2026 and was thereafter arrested in connection with cases arising out of the 2007 land agitation, which were engineered to suppress farmers seeking to protect their land.
4. It was only after petitioner filed his nomination papers that the police authorities executed such a warrant for the first time in 19 years.
5. Learned Senior Advocate relied upon the judgment in ***Rakesh Kumar Singh in CRM (M) 776 of 2026*** and referred to the relevant paragraphs of the judgment which are as follows:

*“....the case of **Mohd. Tahir Hussain** involved the murder of an Intelligence Officer of the Union Home*

Ministry, and even in such a grave matter, custody parole was granted for contesting elections.

*At the same time, the possibility of misuse of interim bail on the pretext of contesting elections cannot be ruled out. **Mohd. Tahir Hussain** cautions against opening a “Pandora’s box,” as elections occur frequently in the country and may lead to a flood of bail applications from accused persons who are not serious contenders.*

In the present case, however, it cannot be said that the petitioner lacks seriousness in contesting the election. Mr. Mazumder submits that while the names of other candidates of the opposition party in West Bengal have already been declared, the candidate for the Kolkata Port constituency has not yet been announced due to the pendency of the present bail application. A letter from the President of the State unit of the party has also been produced, indicating that the petitioner’s name has been proposed for candidature.

In view of the aforesaid facts, this Court is of the opinion that the petitioner is not seeking bail merely as a pretext for contesting the election.”

6. Reference was also made to the judgment of the Hon’ble Supreme Court in **Arvind Kejriwal v. Directorate of Enforcement** reported in **(2024) 9 SCC 577**, and reliance was placed on paragraphs 15 and 17 thereof:

“15. Arvind Kejriwal was arrested, as noted above, on 21-3-2024. More importantly, legality and validity of the arrest itself is under challenge before the Supreme Court and we are yet to finally pronounce on the same. The fact situation cannot be compared with harvesting of crops or plea to look after business affairs. In this background, once the matter is sub judice and the questions relating to legality of arrest are under consideration, a more holistic and libertarian view is justified, in the background that the 18th Lok Sabha General Elections are being held.

17. We would reject the argument that the reasoning recorded by us in paras 6, 7 and 13, results in grant of privilege or special status to politicians. As observed in paras 6, 7 and 13, several peculiarities of the case have weighed with us. In Siba Shankar Das v. State of Odisha [Siba Shankar Das v. State of Odisha, 2024 SCC OnLine SC 410] , this Court accepting the appeal, deleted the condition imposed by the High Court stipulating that the appellant shall not be involved in any political activities, directly or indirectly. Imposition of this condition, the order holds, would breach fundamental rights. No such condition should be imposed. A coordinate Bench of this Court in State of A.P. v. Nara Chandra Babu Naidu [State of A.P. v. Nara Chandra Babu Naidu, (2024) 9 SCC 584] , in an appeal filed by the State, by an interim order has deleted the condition restraining the respondent therein from organising or participating in public rallies and meetings, thereby permitting him to participate in the political process. This

petition seeking special leave to appeal is still pending.”

7. Mr. Majumdar, learned Additional Advocate General, opposes the prayer for bail and at the outset refers to the applications under Section 321 of the Code of Criminal Procedure. He submits that in some cases, the learned Magistrate allowed such applications which in other cases the application under Section 321 of the Code of Criminal Procedure was not pressed. Concerning the issue relating to withdrawal of all the criminal cases, two public interest litigations were preferred before the Hon’ble High Court at Calcutta, being **WPA (P) 68 of 2021, Nilanjan Adhikary v. State of West Bengal** and Others, and **WPA(P) 67 of 2021, Dipak Mishra v. State of West Bengal and Ors.** It was contended that, by an order dated 05.03.2021, the Division Bench was pleased to observe as follows:

“...Be that as it may, having considered the stereotype orders which are impugned in these writ petitions and looking into the contents of those orders, we are, prima facie, satisfied that exercise of judicial power in terms of Section 321 Cr. P.C. to grant consent to a prosecutor to withdraw has, prima facie, not been appropriately exercised. We make this cautious observation because the formation of opinion of a prosecutor to withdraw a particular case from prosecution is, itself, an activity which is regulated by the statute and the judicial precedents governing the field. Only when the judicial authority is satisfied that the public prosecutor has acted in terms of the

sound and well-settled principles touching the withdrawal of prosecution, would the judicial authority consider whether consent ought to be granted to enable such withdrawal. We, therefore, are of the view that the impugned orders deserve to have a deeper look at our hands and we are satisfied that the consequence of the orders impugned in these writ petitions should stand stayed until a final decision is taken in these writ petitions.”

8. By the same order, the Division Bench was pleased to stay the orders passed by the learned Magistrate allowing the applications under Section 321 of the Code of Criminal Procedure. The writ petitions were finally disposed of by a judgment and order dated 10.02.2025, allowing the writ petitions and setting aside the orders of withdrawal passed by the learned Magistrate, as well as the State’s decision to exercise the power under Section 321 of the Code of Criminal Procedure. The Court’s attention was drawn to paragraphs 48, 68 and 89 of the said judgment, which are set out below:

“48. Writ petitioner in the second writ petition has assailed steps taken by the State in respect of 6 police cases relating to Nandigram Police Station. The 6 police cases of Nandigram Police Station are FIR No. 111/09 dated May 10, 2009, 75/07 dated April 30, 2007, 80/07 dated May 2, 2007, 188/07 dated November 8, 2007, 156/07 dated October 10, 2007 and 221/07 dated November 15, 2007. In all the 6 police cases, chargesheets had been filed. Nandigram Police Station case No. 111/09 dated May 10, 2009 involves 3 dead persons, Nandigram Police Station

case No. 75/07 dated April 30, 2007 involves one dead person, Nandigram Police Station May 2, 2007 involves one dead person, Nandigram Police Station case No. 188/07 dated November 8, 2007 involves 3 dead persons, Nandigram Police Station case No. 156/07 dated October 10, 2007 involves one dead person, Nandigram Police Station case No. 221/07 dated November 15, 2007 involves one dead person.

68. *Out of the 10 criminal cases involved in the present 2 writ petitions, 9 of the criminal cases involve murder. All 10 involve heinous crimes. Yet one of the grounds for undertaking an exercise under section 321 of the criminal procedure code is lack of evidence. This so-called lack of evidence was not present when chargesheets were filed in respect of all the 10 criminal cases. Materials in the case diary do not suggest that, there are lack of evidence. Failure of the prosecution to establish such evidence at the trial cannot be equated with lack of evidence. Significantly, the Cabinet memorandum refers to right of private defence being employed. Consequently, the State is aware of the persons who allegedly set up the plea of private defence. It is for the Courts at a trial to decide whether such a plea relating to homicide is acceptable or not. It is not for the State to adjudicate such plea or act thereon.*

89. *Accused in the 10 criminal cases must stand trial. Murders did take place. Post-mortem reports available with the case diaries establish such fact. Therefore, as on date, in the society there are persons who are guilty of such murders. Allowing the prosecution to withdraw under Section 321 of the Criminal Procedure Code will not be in public interest. In fact, it would cause public harm and injury.”*

9. It is further contended that the petitioner was arrested in the presence case being Nandigram Police Station Case No. 188 of 2007.
10. Learned Additional Advocate General appearing on behalf of the State further emphasised that the petitioner cannot claim bail as a matter of right merely because he is a candidate contesting an election; his prayer must be considered on the same footing as that of any other person. In this regard, the Court's attention was drawn to ***Mohd. Tahir Hussain v. State (NCT of Delhi)***, in Special Leave Petition (Criminal) No. 856 of 2025. It was submitted that the question whether a person can claim release on bail or interim bail for canvassing and contesting in an election arose before the Hon'ble Supreme Court. The Court's attention was drawn to the judgments delivered by Hon'ble Justice Pankaj Mithal and Hon'ble Justice Ahsanuddin Amanullah. As the Hon'ble Judges differed, the matter was referred to a Larger Bench. The State also drew attention to the final order of the Larger Bench, submitting that the petitioner therein had modified his prayer before that Hon'ble Larger Bench and sought custody parole for a limited period, which was allowed subject to payment of costs.
11. On behalf of the State further relied upon **Ritlal Yadav v. State of Bihar**, reported in **2025 SCC OnLine Pat 4204**, on the same issue and submitted that the prayer of the petitioner therein was turned down by the Hon'ble Patna

High Court and that its decision was affirmed by the Hon'ble Supreme Court.

12. Learned Additional Advocate General also referred to the order of bail passed in MAT/1651/2026 wherein the order of the Hon'ble Single Bench was subject matter of challenge relating to the order of shown arrest being stayed.
13. I have taken into account the submissions of the respective parties, before proceeding further, it is necessary to consider the judgments relating to the grant or refusal of bail or interim bail in the factual circumstances of each case.
14. In **Arvind Kejriwal** (supra), the petitioner was in custody when he prayed for bail or interim bail to campaign in the elections to be held for the 18th Lok Sabha General Election.
15. In **Rakesh Kumar Singh** (supra), the petitioner was in custody when he prayed for bail to contest the elections. Interim bail was granted after the Court considered a letter from the President of the political party then in opposition.
16. In **Mohd. Tahir Hussain** (supra), the bail application was filed when the petitioner was in custody and intended to contest the elections.
17. In **Ritlal Yadav** (supra), the petitioner was in custody and prayed for release to file his nomination for contesting the election.

- 18.** This Court is considering a prayer for bail or interim bail. As such, the judgments referred to by the State concerning withdrawal of prosecution under Section 321 of the Code of Criminal Procedure have no relevance to the present prayer.
- 19.** The petitioner's case is factually distinct from the cases considered in the judgments relied upon by both parties. The petitioner was taken into custody after filing his nomination on 15.09.2026; he was not in custody when he filed the nomination papers. The petitioner claims that he has been arrested in connection with cases that are 19 years old, arising from violence that erupted and continued throughout 2007 between villagers apprehensive of eviction, displacement and loss of their land for the establishment of a chemical hub, and the police administration, while acting on behalf of the Government, behaved in an oppressive manner. The events at Nandigram form part of the history of West Bengal, particularly the farmers' struggle to protect the land acquisition to which they were deeply attached. The Calcutta High Court took suo moto cognizance of the Nandigram violence which dealt with indiscriminate police firing on protesters without provocation resulting in death of 14 civilians. The CBI was directed to initiate criminal enquiry/investigation to such police action.
- 20.** The following issues arise for consideration while disposing of the bail application:

- (i)** The petitioner is a political activist who was associated with the land movement at Nandigram in 2007. His political involvement is also evident from his participation in the present election as the candidate of a political party.
- (ii)** The petitioner is accused in several murder cases. All the cases relate to the year 2007 and are associated with two police stations, namely, Nandigram Police Station and Khejuri Police Station.
- (iii)** Petitioner's case is distinguishable from the judgments relied upon by the respective parties. In none of those cases was a contesting candidate arrested after filing his nomination papers. In *Rakesh Kumar Singh (supra)*, a Coordinate Bench granted interim bail, but the circumstances were not similar. The Court specifically observed in that case that the petitioner was not claiming bail on the pretext of contesting the election.
- (iv)** The police authorities and both police stations had opportunities to execute the processes in these cases, which are more than 19 years old. In some of the judgements relied upon, an accused person already in custody filed nomination papers and sought release on parole to canvass and contest the election.

(v) The Hon'ble Supreme Court's observation in Arvind Kejriwal (supra) that a holistic approach must be adopted applies to the present petitioner as well.

21. Relying upon the aforesaid judgments and the concept of interim bail as has been detailed in paragraphs 8 to 13 in the judgement of Arvind Kejriwal (supra), I am of the opinion that petitioner may be granted an opportunity to contest the election and to that effect he may be released on interim bail.
22. Accordingly, the petitioner, namely, **Milan Pradhan** shall be released on interim bail upon furnishing 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 learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur.
23. If on bail, the petitioner shall provide his mobile phone number to the Officer-in-Charge of Nandigram police station who would regularly call the petitioner between 10.30 am - 11.30 am and 8.30 pm - 9.30 pm twice regularly to check the whereabouts of the petitioner.
24. The said interim bail will be valid for three weeks till **20th of October, 2026.**
25. Petitioner will surrender himself before the learned Jurisdictional Court being learned Additional Chief Judicial Magistrate, Haldia on 21st of October, 2026.

- 26.** With the aforesaid observations, CRM (M) 2513 of 2026 is **disposed of.**
- 27.** All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
- 28.** Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

29.09.2026
Court No.35.
D/L. 04.
(Rakib/
Suman(PA))

CRM (M) 2510 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Nandigram PS Case No. 9 of 2007 dated 08.01.2007 under Sections 147/148/149/323/325/326/307/379/384/436/302 of the Indian Penal Code, 1860 read with Sections 25/27 of the Arms Act, 1959.

And

In the matter of : Milan Pradhan

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1. Mr. Mukherjee, learned Senior Advocate appearing on behalf of the petitioner, submits that in 2007, owing to the Government's proposed acquisition of land for

creating a chemical hub at Nandigram, there was mass agitation, which led to several criminal cases being registered at the Nandigram and Khejuri Police Stations. The petitioner was falsely implicated in those cases for political reasons and with an ulterior motive.

2. According to him, the petitioner is a respectable businessman of the area and was deeply involved in the historic anti-land acquisition movement in Nandigram in 2007. He is a member of the Indian National Congress and an office-bearer of the West Bengal Pradesh Congress Committee.
3. It was submitted that the petitioner filed his nomination papers for contesting the elections on 15-09-2026. He was pressurized to withdraw his nomination on 18-09-2026 and was thereafter arrested in connection with cases arising out of the 2007 land agitation, which were engineered to suppress farmers seeking to protect their land.
4. It was only after petitioner filed his nomination papers that the police authorities executed such a warrant for the first time in 19 years.
5. Learned Senior Advocate relied upon the judgment in **Rakesh Kumar Singh in CRM (M) 776 of 2026** and referred to the relevant paragraphs of the judgment which are as follows:

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*At the same time, the possibility of misuse of interim bail on the pretext of contesting elections cannot be ruled out. **Mohd. Tahir Hussain** cautions against opening a “Pandora’s box,” as elections occur frequently in the country and may lead to a flood of bail applications from accused persons who are not serious contenders.*

In the present case, however, it cannot be said that the petitioner lacks seriousness in contesting the election. Mr. Mazumder submits that while the names of other candidates of the opposition party in West Bengal have already been declared, the candidate for the Kolkata Port constituency has not yet been announced due to the pendency of the present bail application. A letter from the President of the State unit of the party has also been produced, indicating that the petitioner’s name has been proposed for candidature.

In view of the aforesaid facts, this Court is of the opinion that the petitioner is not seeking bail merely as a pretext for contesting the election.”

6. Reference was also made to the judgment of the Hon’ble Supreme Court in **Arvind Kejriwal v. Directorate of Enforcement** reported in **(2024) 9 SCC 577**, and reliance was placed on paragraphs 15 and 17 thereof:

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17. We would reject the argument that the reasoning recorded by us in paras 6, 7 and 13, results in grant of privilege or special status to politicians. As observed in paras 6, 7 and 13, several peculiarities of the case have weighed with us. In Siba Shankar Das v. State of Odisha [Siba Shankar Das v. State of Odisha, 2024 SCC OnLine SC 410] , this Court accepting the appeal, deleted the condition imposed by the High Court stipulating that the appellant shall not be involved in any political activities, directly or indirectly. Imposition of this condition, the order holds, would breach fundamental rights. No such condition should be imposed. A coordinate Bench of this Court in State of A.P. v. Nara Chandra Babu Naidu [State of A.P. v. Nara Chandra Babu Naidu, (2024) 9 SCC 584] , in an appeal filed by the State, by an interim order has deleted the condition restraining the respondent therein from organising or participating in public rallies and meetings, thereby permitting him to participate in the political process. This

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“...Be that as it may, having considered the stereotype orders which are impugned in these writ petitions and looking into the contents of those orders, we are, prima facie, satisfied that exercise of judicial power in terms of Section 321 Cr. P.C. to grant consent to a prosecutor to withdraw has, prima facie, not been appropriately exercised. We make this cautious observation because the formation of opinion of a prosecutor to withdraw a particular case from prosecution is, itself, an activity which is regulated by the statute and the judicial precedents governing the field. Only when the judicial authority is satisfied that the public prosecutor has acted in terms of the

sound and well-settled principles touching the withdrawal of prosecution, would the judicial authority consider whether consent ought to be granted to enable such withdrawal. We, therefore, are of the view that the impugned orders deserve to have a deeper look at our hands and we are satisfied that the consequence of the orders impugned in these writ petitions should stand stayed until a final decision is taken in these writ petitions.”

8. By the same order, the Division Bench was pleased to stay the orders passed by the learned Magistrate allowing the applications under Section 321 of the Code of Criminal Procedure. The writ petitions were finally disposed of by a judgment and order dated 10.02.2025, allowing the writ petitions and setting aside the orders of withdrawal passed by the learned Magistrate, as well as the State’s decision to exercise the power under Section 321 of the Code of Criminal Procedure. The Court’s attention was drawn to paragraphs 48, 68 and 89 of the said judgment, which are set out below:

“48. Writ petitioner in the second writ petition has assailed steps taken by the State in respect of 6 police cases relating to Nandigram Police Station. The 6 police cases of Nandigram Police Station are FIR No. 111/09 dated May 10, 2009, 75/07 dated April 30, 2007, 80/07 dated May 2, 2007, 188/07 dated November 8, 2007, 156/07 dated October 10, 2007 and 221/07 dated November 15, 2007. In all the 6 police cases, chargesheets had been filed. Nandigram Police Station case No. 111/09 dated May 10, 2009 involves 3 dead persons, Nandigram Police Station

case No. 75/07 dated April 30, 2007 involves one dead person, Nandigram Police Station May 2, 2007 involves one dead person, Nandigram Police Station case No. 188/07 dated November 8, 2007 involves 3 dead persons, Nandigram Police Station case No. 156/07 dated October 10, 2007 involves one dead person, Nandigram Police Station case No. 221/07 dated November 15, 2007 involves one dead person.

68. *Out of the 10 criminal cases involved in the present 2 writ petitions, 9 of the criminal cases involve murder. All 10 involve heinous crimes. Yet one of the grounds for undertaking an exercise under section 321 of the criminal procedure code is lack of evidence. This so-called lack of evidence was not present when chargesheets were filed in respect of all the 10 criminal cases. Materials in the case diary do not suggest that, there are lack of evidence. Failure of the prosecution to establish such evidence at the trial cannot be equated with lack of evidence. Significantly, the Cabinet memorandum refers to right of private defence being employed. Consequently, the State is aware of the persons who allegedly set up the plea of private defence. It is for the Courts at a trial to decide whether such a plea relating to homicide is acceptable or not. It is not for the State to adjudicate such plea or act thereon.*

89. *Accused in the 10 criminal cases must stand trial. Murders did take place. Post-mortem reports available with the case diaries establish such fact. Therefore, as on date, in the society there are persons who are guilty of such murders. Allowing the prosecution to withdraw under Section 321 of the Criminal Procedure Code will not be in public interest. In fact, it would cause public harm and injury.”*

9. It is further contended that the petitioner was initially arrested in connection with Nandigram Police Station Case No. 188 of 2007 and was subsequently shown as arrested in connection with the present case, being Nandigram Police Station Case No. 9 of 2007.
10. Learned Additional Advocate General appearing on behalf of the State further emphasised that the petitioner cannot claim bail as a matter of right merely because he is a candidate contesting an election; his prayer must be considered on the same footing as that of any other person. In this regard, the Court's attention was drawn to ***Mohd. Tahir Hussain v. State (NCT of Delhi)***, in Special Leave Petition (Criminal) No. 856 of 2025. It was submitted that the question whether a person can claim release on bail or interim bail for canvassing and contesting in an election arose before the Hon'ble Supreme Court. The Court's attention was drawn to the judgments delivered by Hon'ble Justice Pankaj Mithal and Hon'ble Justice Ahsanuddin Amanullah. As the Hon'ble Judges differed, the matter was referred to a Larger Bench. The State also drew attention to the final order of the Larger Bench, submitting that the petitioner therein had modified his prayer before that Hon'ble Larger Bench and sought custody parole for a limited period, which was allowed subject to payment of costs.
11. On behalf of the State further relied upon **Ritlal Yadav v. State of Bihar**, reported in **2025 SCC OnLine Pat 4204**,

on the same issue and submitted that the prayer of the petitioner therein was turned down by the Hon'ble Patna High Court and that its decision was affirmed by the Hon'ble Supreme Court.

12. Learned Additional Advocate General also referred to the order of bail passed in MAT/1651/2026 wherein the order of the Hon'ble Single Bench was subject matter of challenge relating to the order of shown arrest being stayed.
13. I have taken into account the submissions of the respective parties, before proceeding further, it is necessary to consider the judgments relating to the grant or refusal of bail or interim bail in the factual circumstances of each case.
14. In **Arvind Kejriwal** (supra), the petitioner was in custody when he prayed for bail or interim bail to campaign in the elections to be held for the 18th Lok Sabha General Election.
15. In **Rakesh Kumar Singh** (supra), the petitioner was in custody when he prayed for bail to contest the elections. Interim bail was granted after the Court considered a letter from the President of the political party then in opposition.
16. In **Mohd. Tahir Hussain** (supra), the bail application was filed when the petitioner was in custody and intended to contest the elections.

17. In **Ritlal Yadav** (supra), the petitioner was in custody and prayed for release to file his nomination for contesting the election.
18. This Court is considering a prayer for bail or interim bail. As such, the judgments referred to by the State concerning withdrawal of prosecution under Section 321 of the Code of Criminal Procedure have no relevance to the present prayer.
19. The petitioner's case is factually distinct from the cases considered in the judgments relied upon by both parties. The petitioner was taken into custody after filing his nomination on 15.09.2026; he was not in custody when he filed the nomination papers. The petitioner claims that he has been arrested in connection with cases that are 19 years old, arising from violence that erupted and continued throughout 2007 between villagers apprehensive of eviction, displacement and loss of their land for the establishment of a chemical hub, and the police administration, while acting on behalf of the Government, behaved in an oppressive manner. The events at Nandigram form part of the history of West Bengal, particularly the farmers' struggle to protect the land acquisition to which they were deeply attached. The Calcutta High Court took suo moto cognizance of the Nandigram violence which dealt with indiscriminate police firing on protesters without provocation resulting

in death of 14 civilians. The CBI was directed to initiate criminal enquiry/investigation to such police action.

20. The following issues arise for consideration while disposing of the bail application:

- (i)** The petitioner is a political activist who was associated with the land movement at Nandigram in 2007. His political involvement is also evident from his participation in the present election as the candidate of a political party.
- (ii)** The petitioner is accused in several murder cases. All the cases relate to the year 2007 and are associated with two police stations, namely, Nandigram Police Station and Khejuri Police Station.
- (iii)** Petitioner's case is distinguishable from the judgments relied upon by the respective parties. In none of those cases was a contesting candidate arrested after filing his nomination papers. In Rakesh Kumar Singh (supra), a Coordinate Bench granted interim bail, but the circumstances were not similar. The Court specifically observed in that case that the petitioner was not claiming bail on the pretext of contesting the election.
- (iv)** The police authorities and both police stations had opportunities to execute the processes in these cases, which are more than 19 years old. In some of the judgements relied upon, an accused person already in custody filed nomination papers and

sought release on parole to canvass and contest the election.

(v) The Hon'ble Supreme Court's observation in Arvind Kejriwal (supra) that a holistic approach must be adopted applies to the present petitioner as well.

21. Relying upon the aforesaid judgments and the concept of interim bail as has been detailed in paragraphs 8 to 13 in the judgement of Arvind Kejriwal (supra), I am of the opinion that petitioner may be granted an opportunity to contest the election and to that effect he may be released on interim bail.
22. Accordingly, the petitioner, namely, **Milan Pradhan** shall be released on interim bail upon furnishing 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 learned Additional Chief Judicial Magistrate, Haldia, Purba Medinipur.
23. If on bail, the petitioner shall provide his mobile phone number to the Officer-in-Charge of Nandigram police station who would regularly call the petitioner between 10.30 am - 11.30 am and 8.30 pm - 9.30 pm twice regularly to check the whereabouts of the petitioner.
24. The said interim bail will be valid for three weeks till **20th of October, 2026.**

25. Petitioner will surrender himself before the learned Jurisdictional Court being learned Additional Chief Judicial Magistrate, Haldia on 21st of October, 2026.
26. With the aforesaid observations, CRM (M) 2510 of 2026 is **disposed of.**
27. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
28. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)