

Criminal Misc case No. 273 of 2026

25.05.2026

This is a petition u/s 483 of BNSS praying bail for the accused Deep Deb @ Dipankar Deb who is in judicial custody in connection with Silchar PS Case No. 224/26 u/s 118(2)/126(2)/3(5)/303(2)/351(2) of BNS added Section 103(1) of BNS.

I have heard learned counsel for both the sides and perused the case diary and case record of GR case No. 161/2026.

The prosecution case, in brief, is that on 05.03.2026, the informant lodged an FIR alleging that on 04.03.2026 at about 4:30 PM, the accused persons, Sani Roy and Deep Deb assaulted the victim with iron rods and wooden sticks, causing grievous injuries on his head and other parts of the body. It is further alleged that the accused persons robbed money from the victim and also assaulted the informant when he intervened. The victim was admitted to Silchar Medical College & Hospital in a critical condition.

During hearing, it is submitted on behalf of the bail petitioner that the accused is innocent and has been falsely implicated in the instant case arising out of a group clash that took place on the day of Holi and that the real culprits have not been apprehended. It is further submitted that there are serious procedural irregularities in the arrest of the accused, including non-compliance of mandatory provisions under Sections 36, 47 and 48 of the BNSS. Learned counsel further submits that the

25-05-26  
Sessions/Special Judge  
Cachar, Silchar

Criminal Misc case No. 273 of 2026

accused is a permanent resident having roots in society and there is no likelihood of his absconding or tampering with evidence if enlarged on bail. Hence, it is prayed that the accused may be granted bail on any condition deemed fit and proper by this Court.

Perusal of the case record reveals that notice under Section 47 of the BNSS was duly served upon the accused person informing him of the grounds of arrest. It further appears that another notice under Section 48 of the BNSS was also served upon the father of the accused person. Learned counsel for the bail petitioner has submitted that the arrest memo does not bear the signature of any family member, relative or respectable person of the locality and, therefore, there is violation of Section 36 of the BNSS. A bare perusal of Section 36 of the BNSS reveals that the memorandum of arrest is required to be attested by at least one witness, who may either be a member of the family of the arrested person or a respectable member of the locality where the arrest is made. The provision further mandates that where the memorandum is not attested by a family member, the arrested person is to be informed of his right to have a relative, friend or any other nominated person informed about the arrest. In the instant case, the materials available on record reveal that notice under Section 48 of the BNSS was duly served upon the father of the accused informing him about the arrest of the accused person. Thus, prima facie, substantial compliance of the

25-05-26  
Special Judge  
Silchar, Silchar

Criminal Misc case No. 273 of 2026

safeguards provided under Sections 36 and 48 of the BNSS appears to have been made.

On further perusal of the case diary, it transpires that subsequently Section 103(1) of the BNS has been added to the case. It further appears from the case diary as well as the post mortem report that the victim sustained severe head injuries due to physical assault and later succumbed to the said injuries. The materials available in the case diary prima facie reveal that the accused persons brutally assaulted the victim by means of iron rods and wooden sticks.

Considering the nature and gravity of the offence, the manner in which the offence was allegedly committed and the fact that the victim succumbed to the injuries sustained in the incident, this Court is of the considered view that this is not a fit case for granting bail to the accused person at this stage.

Accordingly, the bail petition stands rejected.

Return the case diary.

The Misc. Case stands disposed of accordingly.

25-05-26  
Sessions/Special Judge  
Cachar, Silchar