

In the Court of the Sessions Judge, South 24-Parganas, Alipore

Criminal Misc. Case No. 1680 of 2026

Present : Sri Souvik De, (WB01069) Sessions Judge-in-charge,

South 24 Parganas at Alipore

Order No. 06, dated 07.07.2026

The application u/s 482 of B.N.S.S. Act, 2023 (sec.438 Cr.PC.) filed by the accused/petitioner, namely, **Sofiulla Gazi @ Safiulla Gazi**, who apprehends arrest, in connection with, **Usthi P.S. Case No. 520/2024, U/s. 85/108/3(5) of BNS & Sec. 4 of D.P. Act**, is taken up for hearing.

Learned Advocate for the accused/petitioner submits that no such application u/s 482 of B.N.S.S. Act, 2023 (sec.438 Cr.PC.) is filed, pending or rejected before the Hon'ble High Court at Calcutta prior to this application.

Ld. Advocate for the accused/petitioner has submitted that the instant case has already resulted in the submission of charge sheet and with the investigation reaching the port of call, the custodial interrogation of the present accused/petitioner is not at all necessary. He has also submitted that all the rest accused persons are already enlarged on bail. It is also his submission that after charge-sheet, proclamation was issued against the present accused/petitioner and the case was filed for present against the accused/petitioner. After the same, the said order of the Ld. ACJM, Diamond Harbour was challenged before the revisional forum and the Ld. Addl. Sessions Judge, FTC, 3rd Court at Diamond Harbour was pleased to set aside the order of the Ld. ACJM, Diamond Harbour anent filing of the case against the present accused/petitioner for the present after issuance of WPA. It is his submission that with the order of the Ld. Jurisdictional Magistrate being set aside by the Ld. Revisional Court, no proclamation is pending against the present accused/petitioner and only W/A is pending against him. He has further submitted that in the given circumstances, giving a holistic approach, the present accused/petitioner deserves the lenity of anticipatory bail, as his custodial interrogation is not at all necessary.

On the other hand, Ld. P.P.-in-charge has produced the case diary and raised objection against the instant anticipatory bail application and has submitted that the present accused/petitioner has been shown as an absconder in the charge sheet and accordingly, he is not entitled to get any lenity of anticipatory bail.

Heard the submissions of the Ld. Advocates for both sides.

Perused the C.D. as well as the LCR.

From the record, the CD and the documents so submitted, it is transpiring that WPA was issued against the present accused/petitioner after submission of charge sheet and on the basis of the report, the case was filed for present against the accused/petitioner. The order of the Ld. Jurisdictional Magistrate was challenged before the Ld. Revisional Forum wherein the Ld. Revisional Forum was pleased to set aside the order of the Ld. Jurisdictional Magistrate and accordingly, the order regarding filing of the case for the present against the present accused/petitioner stood set aside and as such, no proclamation stood pending against him. After the observation of the Ld. Revisional Court, only W/A is pending against the present accused/petitioner. With that being the actual position and situation prevalent on record, as also, with the fact that the investigation of this case has already reached the port of call necessitating no custodial interrogation of the present accused/petitioner in connection with this case, I think it would be just and aboveboard if the accused/petitioner be granted the lenity of anticipatory bail. **Hence, the prayer for anticipatory bail stands allowed.**

The accused/petitioner, in the event of arrest, shall be released on furnishing bail bond of **Rs.4,000/- with two sureties of Rs.2,000/- each**, subject to the satisfaction of the Arresting Officer and subject to the conditions enumerated under section 480(3) read with section 482(2) BNS. The conditions are imposed as per the ratio of **Sushila Aggarwal & ors. vs. State (NCT of Delhi) & ors.** reported in **AIR 2020 SC 831**.

Thus, the criminal misc. case is disposed of accordingly.

Return the CD as well as the LCR.

D/c by me

Sd/- S. De
Sessions Judge, I/c

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