

In the Court of the Sessions Judge, Paschim Bardhaman.

Present:- Sri Debaprasad Nath,
Sessions Judge, Paschim Bardhaman.

Cr. Misc. Case No. 794 of 2025
CIS No. 794 of 2025
CNR No. WBBD150024862025

Order No.02, dated 31.07.2025.

This instant application under section 482 of Bharatiya Nagarik Suraksha Sanhita, filed by the petitioners, namely, 1] Md. Sanauwar Ali, 2] Md. Wasim Akram, 3] Md. Mobin, 4] Nasim Ansari and 5] Shamim Ansari, who apprehend their arrest in connection with Kulti P.S. Case No. 390 of 2025 dated 09.07.2025 under sections 303(2)/317(2)/317(4)/317(5)/61(2) of the Bharatiya Nyaya Sanhita and under Section 21 of MMDR Act is taken up for hearing.

It is submitted by the learned Counsel for the accused/ petitioners that the accused persons have been implicated in this matter on the basis of the statement made by one of the co-accused who was arrested on spot while he was carrying sand in his Auto. It is further submitted that it is the settled principle of law that statement of co-accused is a very weak piece of evidence even to form any adverse opinion against any accused person. As such, he submits that the prayer for anticipatory bail of the accused/ petitioners may be allowed. Learned Advocate of the petitioners further submits that no other prayer for anticipatory bail in respect of the accused/ petitioners is pending in or rejected by any court of law.

On the other hand, learned Public Prosecutor-in-charge vehemently opposes the prayer for anticipatory bail by submitting that statement of the co-accused clearly shows the involvement of all the accused persons specifically the accused Sanauwar Ali, who is the owner of the said Auto, which was being driven by the arrested accused Sunil Majhi. As such, he submits that the prayer for anticipatory bail of the accused/ petitioners should be rejected.

Heard the learned Counsel for the parties.

Perused the Magistrate's Court record and the case diary.

I have carefully gone through the statements recorded under section 180 of BNSS as well as the seizure list. It appears that the Auto in question is registered in the name of Sanauwar Ali & Khan, the present accused/ petitioner no. 1.

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For fruitful investigation, the custodial interrogation of the owner of the vehicle is very much necessary. **As such, the prayer for anticipatory bail of the accused/ petitioner no. 1 namely, Sanaubar Ali is rejected.**

However, I do not find any convincing material against the other accused/ petitioners and the manner in which they are also involved in this matter. As such, the prayer for anticipatory bail of the accused/ petitioner nos. 2 to 5 namely, 1] Md. Wasim Akram, 2] Md. Mobin, 3] Nasim Ansari and 4] Shamim Ansari is allowed.

In the event of arrest, the petitioners, namely, 1] Md. Wasim Akram, 2] Md. Mobin, 3] Nasim Ansari and 4] Shamim Ansari be enlarged on bail of Rs.3,000/- each with one surety of like amount, to the satisfaction of the arresting officer, subject to the condition as enumerated in section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, subject to the following conditions :

- a) that the accused persons must surrender before the Ld. Chief Judicial Magistrate, Paschim Bardhaman, within two weeks from the date of this order;
- b) that the accused persons shall deposit with the Investigating Officer of this case their original Aadhar Cards and Voter Identity cards and the Investigating Officer shall retain the same till the conclusion of trial. However the accused persons are at liberty to approach the Ld. Chief Judicial Magistrate, Paschim Bardhaman or this Ld. Court praying for a direction for release of all those or any of the above referred documents, stating clearly the reasons for which those documents are required, and the Court concerned may release those documents after considering the report of the Investigating Officer to the effect of cooperation rendered by the accused persons during investigation;
- c) the accused persons shall cooperate with the investigation and make themselves available for interrogation whenever required;
- d) the accused persons shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

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e) the accused persons shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

f) the accused persons shall not leave the territory of local Kulti P.S., without prior permission of the learned Chief Judicial Magistrate, Paschim Bardhaman, till trial is concluded;

g) the accused persons namely, 1] Md. Wasim Akram, 2] Md. Mobin, 3] Nasim Ansari and 4] Shamim Ansari shall appear before the investigating officer of this case of the concerned police station, twice in a week from the date of this order till the conclusion of investigation. However, the accused persons are at liberty to approach this Ld. Court during the pendency of investigation praying for modification of this condition;

h) the accused persons shall maintain law and order;

i) the accused persons shall, within one week from the date of this order, furnish all the sim card number(s) of their mobile hand set(s) stand in their name to the Investigating Officer, and, shall not change their ordinary place of residence, as recorded in the Aadhar Cards/Voter Identity cards till the conclusion of trial. The Investigating Officer before recording the address and mobile numbers must verify that those are in fact mobile number(s) stand in the name of the accused persons;

j) the accused persons shall regularly remain present during the trial, and cooperate the Ld. Court to complete the trial for the above offences;

In the event of breach of any of the above conditions, both the Investigating Officer as well as the de-facto complainant are at liberty to bring into the notice of this Ld. Court, violation any of afore-mentioned conditions by the accused persons, by filing appropriate application.

The Ld. Chief Judicial Magistrate, Paschim Bardhaman is also hereby specifically directed to obtain a report from the Investigating Officer, immediately after appearance of the accused persons with regard to the compliance of all the aforesaid conditions by the accused persons.

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Case diary be returned.

The Criminal Misc. Case No. 794 of 2025 is thus disposed of.

Let a copy of this order along with the Magistrate Court's Record be sent to the Ld. Chief Judicial Magistrate, Paschim Bardhaman and also to the I.O of Kulti P.S Case No. 390 of 2025 dated 09.07.2025 for strict compliance of this order.

Dictated & corrected by me.

Sessions Judge, Paschim Bardhaman.

Sessions Judge, Paschim Bardhaman.
J.O. Code – WB01243

