

In the court of the Sessions Judge, Paschim Bardhaman.

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

Criminal Misc. Case No. 716 of 2026
CIS No. 716 of 2026
CNR No. WBBD15-001806-2026

Order No.03, dated 15.07.2026

This instant application under Section 482 of the BNSS has been filed by the petitioners, namely, 1] Kalosona @ Sujit Khan and 2] Uttam Ruidas @ Tapas Ruidas, in connection with Barabani P.S. Case No. 96 of 2026 dated 16.05.2026 registered under Sections 115(2)/117(2)/126(2)/303(2)/308(5)/324(3)/329(3)/61(2) of the Bharatiya Nyaya Sanhita.

The application for anticipatory bail is taken up for hearing.

It is submitted by the learned Advocate for the accused persons that instant FIR has been registered in respect of an incident which even as per FIR took place in the year 2021. According to him, there is no explanation for such long delay. As such, it is submitted that custodial interrogation of the present accused persons is not necessary and their prayer for anticipatory bail may be allowed. Learned Advocate further submitted that no other prayer for anticipatory bail in respect of the present petitioners is pending in or rejected by any court of law.

On the other hand, learned Public Prosecutor-in-charge vehemently opposes such prayer for anticipatory bail by submitting that infact the victim and his family members are being constantly threatened since the year 2021 and as such custodial interrogation is very necessary.

Heard the learned Counsels for the parties.

Perused the Magistrate's Court Record and the materials in the case diary.

I have carefully gone through the contents of the case diary. The instant complaint has been registered on 16.05.2026. There is no proper explanation either in the FIR or in the case diary for such long delay of more than five years.

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Considering the nature of allegations and the materials in the case diary, I am of the opinion that custodial interrogation of the present accused persons is not necessary.

In view of such, prayer for anticipatory bail of both the petitioners is allowed.

In the event of arrest, the petitioners, namely, 1] Kalosona @ Sujit Khan and 2] Uttam Ruidas @ Tapas Ruidas, be enlarged on bail of Rs. 10,000/- each with two sureties of Rs. 5,000/- each, one of whom must be local, to the satisfaction of the arresting officer, subject to the following conditions.

a) that both 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 investigation. 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 the above referred documents, stating clearly the reasons for which those documents are required, and the Court concerned may release the documents after considering the report of the Investigating Officer to the effect of cooperation rendered by the accused persons during investigation;

b) that both the accused persons shall cooperate with the investigation and make themselves available for interrogation whenever required;

c) that both 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;

d) that both the accused persons shall not obstruct or hamper the police

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investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) that both the accused persons shall not leave the territory of local police station, without prior permission of the Chief Judicial Magistrate, Paschim Bardhaman, till trial is over.

f) the accused persons namely Kalosona @ Sujit Khan and Uttam Ruidas @ Tapas Ruidas shall appear before the investigating officer of this case thrice 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.

g) that both the accused persons shall maintain law and order;

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

i) that both the accused persons above named must surrender before the Ld. Chief Judicial Magistrate, Paschim Bardhaman, within two weeks from the date of the order.

In the event of breach of any of the above mentioned 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 of any of afore-mentioned conditions by the accused persons, by filing appropriate application, praying for appropriate direction in the said regard.

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.

Case diary be returned.

The Criminal Misc case is, thus, disposed of accordingly.

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Let a copy of this order along with the Magistrate's Court Record be sent down to the concerned court at once.

Let another copy of this order be sent to the investigating officer of this case through Officer-in-charge/Inspector-in-charge of the concerned P.S. for information and necessary action.

Dictated & corrected by me.

Sessions Judge, Paschim Bardhaman.

Sessions Judge, Paschim Bardhaman.
JO Code-WB01243

