

Spl (SC & ST) no.08 of 2026
CNR-WBBD01-0037052026
JO-WB00702
Present: Sri Bibhas Chatterjee
Additional Sessions Judge-cum- 1st
Judge Special Court (SC/ST), Burdwan

Order no.07 dated 09/07/2026

This day is fixed for appearance of the de facto complainant namely Keya Mondal (Porel) and hearing of bail petition.

Copy served upon the de facto complainant. One hazira is filed on behalf of the de facto complainant. The de facto complainant namely, Keya Mondal (Porel) is present before this court.

Ld. P.P.-in-Charge files hazira.

The accused persons namely, Tanushree Mondal, Kuntal Mondal and Siddheswar Mondal surrendered before this Court. The surrender of the accused persons is hereby accepted. They are taken into custody and remanded to J.C.

One bail petition has been filed by the Ld. Advocate on the behalf of the above-named accused persons wherein he prayed for enlarging the accused persons on bail on the grounds stated therein.

The bail petition is taken up for hearing.

Perused the bail petition along with the materials on record and CD.

Heard Ld. Advocate for the accused persons and Ld. Special P.P. as well as the de facto complainant.

Ld. Advocate for the accused persons very candidly submitted that the accused persons have been falsely entangled in this case and also submitted that the incident took place on 18.01.2026 but the complaint was lodged on 02.04.2026 i.e. after a delay of near 6 (six) months. He again submitted that accused Tanushree Mondal, petitioner no.1 lodged a complaint against the husband of de facto complainant namely Subrata Mondal and against that one G.D. Entry was lodged against Subrata Mondal at Madhabdihi P.S. being G.D.E No.351 dated 09.11.2025. He further contended that subsequently another criminal case was lodged on 12.12.2025 against Subrata Mondal and others and Bardhman Women P.S. Case no.18 of 2026 dated 19.01.2026 was registered against them. It is further contended that the accused persons already complied with the notice under Section 35(3) of B.N.S.S. Ld. Advocate finally contended that in this case charge sheet has already been submitted against the accused persons and also submitted that when the charge sheet has been filed after completion of the investigation there is no chance to tamper with the prosecution evidence and accordingly, prayed for releasing the accused persons on bail by imposing any condition upon them.

On the other hand, Ld. Special P.P. raised objection against instant bail prayer and submitted that after thorough investigation, the investigating agency has filed the charge sheet against the accused persons and filing of charge sheet denotes a prima facie established against them in respect of the offence committed by the accused persons on the relevant date and time and accordingly, prayed for its rejection.

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Heard the de facto complainant on dock. She submitted that the accused persons abused her with filthy languages not only on the relevant date and time of the incident but also abused her and her husband on previous occasions. She specifically submitted that the accused persons assaulted her husband and as a result he sustained severe injuries on his person, got admitted in the Hospital. She specifically submitted on dock that the accused persons are threatening herself and her husband since long and accordingly prayed for rejection of the instant bail prayer.

Considering the rival submissions of both the Ld. Advocates and on perusal of the record, it reveals that after completion of investigation, the charge sheet has been submitted against the accused persons by the IO of this case u/s 126(2)/115(2)/351(3) B.N.S read with Section 3 (1) (r)/ 3(1) (s)/ 3(1) (u) /3 (1) (w) of S.C/ST (POA) Act, 1989 on 30/06/2026.

In this case when the CS has already been submitted, it negates the fact of tampering with the prosecution evidence and witnesses. There is no prayer of custodial interrogation of the accused persons and as such, I find no justifiable ground and to detain the accused persons in this case.

In this regard, it is very pertinent to mention a decision of the Hon'ble Apex Court reported in **Inder Mohan Goswami vs State of Uttaranchal (2007) 12 SCC 1** wherein the Hon'ble Apex Court has specifically opined that in a case of like nature, first the Court will adopt the procedure in issuing summons, thereafter bailable warrant and thereafter, non bailable warrant may be issued, if so warranted . I do not find any materials in the CD which appears to be credible enough for further detention of the accused persons and to curtail their liberty of the accused persons as engrafted under Article 21 of constitution. Not only that in view of the above circumstances and considering the matter in its entirety, the interest of justice and keeping in mind the decision of the Hon'ble Apex Court reported in **Satender Kumar Antil -VS- CBI & another (2022) live law Supreme Court 577** and keeping in mind the letter and spirit of the decisions of the Hon'ble Apex Court , I find no justifiable reason to incarcerate the accused persons behind the bar.

Accordingly, the bail prayer of the accused persons is hereby allowed. Accused persons, namely, Tanushree Mondal, Kuntal Mondal and Siddheswar Mondal may find bail of Rs.6,000/- each with two (2) registered sureties of Rs. 3,000/- each and on conditions that (1) they shall engaged in no act adverse to the prosecution, (2) they shall not leave the jurisdiction of the court without prior permission, (3) they shall not tamper with or prevail upon the prosecution witnesses including the victim in any manner and if, the condition so imposed by this court would be violated by the accused persons, the liberty so granted to them may automatically be cancelled, subject to the satisfaction of Ld. C.J.M. Purba Bardhaman I/d to J/C.

Return CD.

If, on bail, to date i.e. 15.07.2026 for appearance of the accused persons and further order.

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Let a copy of this order be sent to the Ld. C.J.M., Purba Bardhaman with a request to accept the bail bonds and after accepting bail bonds return the same to this Court for keeping the same for future reference.

Dictated & Corrected.

sd/

Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.

sd/

Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.