

District: Purba Bardhaman.

In the Court of the Sessions Judge, Purba Bardhaman, at Burdwan.

Present: Shri Bimal Kanti Bera,

Sessions Judge, Purba Bardhaman.

Criminal Misc.- Case No. 537 of 2026

(CNR NO. WBBB 01 001362 2026)

Sirajul Mallick & 4 others

- versus-

The State

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Order no. 03 dated 21.04.2026:

The application for anticipatory bail under Section 482 B.N.S.S. filed on behalf of the accused petitioners namely (1) Sirajul Mallick, (2) Aliya Bibi, (3) Alauddin Mallick, (4) Salauddin Mallick, and (5) Saliya Bibi (Mallick) who apprehend arrest in connection with Katwa P.S. Case No. 152 of 2026 dated 13.03.2026 U/Ss 126(2)/115(2)/117(2)/76/3(5) of B.N.S. is taken up for hearing.

Record of G.R. Case received. C.D. is also produced.

Heard the Ld. Advocate for the petitioners, and Ld. P.P. In-charge.

It is submitted by the Ld. Advocate for the petitioners that both the complainant party and accused persons are members of the same family. F.I.R. was started over a petty domestic matter of collecting water. As instructed by her clients, there cannot be any ingredients of section 76 of B.N.S. It is the further submission of the Ld. Advocate that no such application of these petitioners has either been moved before or rejected by the Hon'ble Court or by this Court on any earlier occasion. Hence, Ld. Advocate prays for grant of anticipatory bail to the petitioners on any condition as this Court deems fit.

Ld. P.P. in-charge opposes the prayer for anticipatory bail and submits that the I.O. has collected the injury report and the accused persons have outraged the modesty of the F.I.R. maker by tearing apart her wearing apparels.

Perused the materials on record and in the C.D.

It is alleged that on 13.03.2026 at about 4.30 p.m., accused persons were abusing Jeher Banu, complainant's aunt with filthy language. When the complainant protested, accused persons attacked her with brick bats and iron rod. They also assaulted her with fists and blows. When her aunt rushed to her rescue, accused persons assaulted Jeher Banu physically. Accused Aliya Bibi hit her on the head with brick bat and accused Alauddin Mallick struck her head with an iron rod. She sustained severe bleeding injuries. When her cousin Sweety Khatun came to rescue, accused Sirajul Mallick and Salauddin Mallick disrobed her by tearing apart her Churidar. Locals rescued them and they were treated in the hospital.

It appears from the C.D. that the I.O. has collected the injury reports of Jeher Banu and the complainant. It appears that after treatment they were discharged on the same day on 13.03.2026. Attending doctor recorded one small cut injury below nose of right side, one cut injury inside upper lip of Jeher Banu Begam. It further appears that the doctor noted multiple injuries (i) one cut injury on the left side of the scalp measuring 1 & 1/2" on the left frontal region, (ii) one cut injury on right side of scalp, (iii) swelling on left elbow, and (4) cut injury below left heel. It appears that there are allegation of giving blow on the head with an iron rod which is not consistent with the injury reflected measuring 1 & 1/2". Considering the facts and circumstances of the case and nature of injury as it comes out from the injury reports, it seems that custodial interrogation of the accused persons is not necessary. Accordingly, their prayer u/s 482 B.N.S.S. is allowed.

In the event of arrest of the above named accused petitioners in connection with the above noted case, they shall be released on bail on furnishing bonds of Rs. 3,000/- each with two sureties of Rs. 1,500/- each, subject to the satisfaction of the arresting officer, on the conditions stipulated in section 482(2) of B.N.S.S. with further condition that the petitioner nos. (3) Alauddin Mallick, and (4) Salauddin Mallick shall meet with the I.O. of the case once in a week till completion of investigation by the I.O.

Let a copy of this order along with the record of G.R. Case be transmitted to the concerned Court for information and necessary action.

C.D. be returned.

Instant Criminal Misc.- Case is thus disposed of.

Dictated & corrected by me.

S.J. Purba Bardhaman.

Sessions Judge, Purba Bardhaman.