

Sessions Case no. 21 of 2026
CNR-WBCS01-000304-2026
Present: Sri Sudipta Kumar De
J.O. CODE NO.WB01136
Chief Judge,
City Sessions Court, Calcutta

Order no. 04 dated 03.06.2026

Today is fixed for production of accused person, hearing of bail application dated 21.05.2026 filed by accused, written objection, if any, in the meantime and appointment of Ld. Public Prosecutor.

Sole accused person Md Muslim @ Muslim Ansari is produced from J/C virtually.

Ld. Chief Public Prosecutor is present.

Ld. Advocate for accused person is present.

Investigating Officer is present with the case diary.

Now, bail application dated 21.05.2026 filed by accused is taken up for hearing.

Ld. Advocate for accused submitted that he was arrested on 28.12.2025 and since then he is in custody for almost five months and seven days. He also submitted that the investigation of this case is over and charge sheet has been submitted and there are thirty charge sheeted witnesses and hence, no chance of early conclusion of trial in near future is there and even forensic report has not been received yet. He further submitted that grounds of arrest is not made in accordance with law and the same have not been conveyed in his mother tongue, i.e., Hindi.

It is further submitted by Ld. advocate for the petitioner that no bail petition is pending/disposed of before/by any upper forum.

In support of his contention, he placed his reliance upon the judgments as follows:

1. In ***Prabir Purkayastha Vs. State (NCT of Delhi)***, reported in **(2024) 8 SCC 254**;
2. In ***Mihir Rajesh Shah Vs. State of Maharashtra and anr.***, reported in **(2026) 1 SCC 500**; and
3. In ***Vimal Kishore Mehrotra Vs State of UP and anr.***, reported in **AIR 1956 All 56**.

Ld. Chief Public Prosecutor vehemently raised objection against the bail prayer of accused and submitted that he had fled away from Kolkata after commission of crime and subsequently, he was arrested from the State of Jharkhand and if he is liberated on bail, there is every possibility of his abscondence which would surely frustrate the process of trial. He further submitted that the charge sheet has been filed and the offending weapon and vehicle have been recovered and that the case is ready for trial. He further submitted that the grounds of arrest is appropriate and proper and the charge against the accused would be tested at the stage of trial.

Heard both sides.

Perused the entire case record and the materials appearing the case diary.

It appears that charge sheet has been filed in this case u/s 103(1) of the BNS and there are thirty one witnesses relied upon by the prosecution.

It further appears that the accused was arrested on 28.12.2025 and since then he is in custody.

On careful perusal of the grounds of arrest, it is noticed as follows:

- “1. Being your are the FIR named accused of the heinous crime.
2. To prevent you from committing any further offence.

3. To prevent you from causing the evidence of the offence to disappear or tampering with such evidence in any manner.”

Perused the judgments cited by the Ld. Advocate for accused.

The Hon’ble Apex Court in **Prabir Purkayastha Vs. State (NCT of Delhi)**, reported in (2024) 8 SCC 254 has observed that *“It may be reiterated at the cost of repetition that there is a significant difference in the phrase ‘reasons for arrest’ and ‘grounds of arrest’. The ‘reasons for arrest’ as indicated in the arrest memo are purely formal parameters, viz., to prevent the accused person from committing any further offence; for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tempering with such evidence in any manner; to prevent the arrested person for making inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer. These reasons would commonly apply to any person arrested on charge of a crime whereas the ‘grounds of arrest’ would be required to contain all such details in hand of the Investigating Officer which necessitated the arrest of the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail. Thus, the ‘grounds of arrest’ would invariably be personal to the accused and cannot be equated with the ‘reasons of arrest’ which are general in nature.”*

The Hon’ble Apex Court in **Mihir Rajesh Shah Vs. State of Maharashtra and anr.**, reported in (2026) 1 SCC 500 has observed that *“66.1. The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023); 66.2. The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands; 66.3. In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate. 66.4. In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free.”*

The Hon’ble High Court of Allahabad in **Vimal Kishore Mehrotra Vs State of UP and anr.**, reported in AIR 1956 All 56 has observed that *“But the information should be sufficient to enable the arrested person to understand why he has been arrested. The ground to be communicated to the arrested person should be somewhat similar to the charge framed by the Court for the trial of a case.”*

On overall appreciation of such judgments, it transpires that the grounds of arrest are personal, mandatory, and distinct from generic reasons for arrest and reasons for arrest are formal parameters but grounds of arrest must contain the specific factual details justifying the arrest. Grounds must be communicated in writing in a language the arrestee understands, applicable to all offences under all statutes including IPC/BNS. This ensures the arrestee comprehends why he is arrested, sufficiently like a charge before a Trial Court which enables him to defend his remand and prepare bail application.

On perusal of the grounds of arrest supplied to the accused, it appears that these are not grounds of arrest at all and merely reasons of arrest have been communicated and hence, the mandatory provisions as prescribed by the Hon'ble Court have been given a good bye.

The accused is custody for more than 05 months and the investigation has ended to charge sheet and prolonging the incarceration of the accused would not yield any result.

Considering the facts and circumstances and in view of the discussion made above, this Court inclined to allow the bail prayer of accused Md Muslim @ Muslim Ansari.

Accordingly, the bail prayer of accused **Md Muslim @ Muslim Ansari** is **allowed**.

The accused person, namely, **Md Muslim @ Muslim Ansari** may find bail of **Rs. 5,000/-** with two sureties of like amount of **Rs. 2,500/-** each to the satisfaction of the learned Chief Judicial Magistrate, Calcutta, i.d. to J/C till **17.06.2026**, on the following conditions:

- i. he shall remain present positively before this Court on each and every date of hearing;
- ii. he shall meet with the Investigating Officer once in a week;
- iii. he shall not enter the territorial/jurisdictional limits of Amherst Street PS except for the purpose of marking attendance at the police station;
- iv. he shall furnish his present address before this Court as well to the Investigating Officer of this case and if there will be any change of that address, he shall furnish the same before this Court as well as to the Investigating Officer of this case.
- v. he shall not leave the jurisdiction of this Court without prior permission;
- vi. he shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and
- vii. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

To date, i.e., **17.06.2026** for appearance of accused person, if on bail, i.d. production and appointment of Ld. Public Prosecutor.

Case diary be returned.

Let a copy of this order be sent to the Ld. Chief Judicial Magistrate, Calcutta for information.

Let a copy of this order be sent to the Learned Chief Public Prosecutor, City Sessions Court, Calcutta with a request to look into the matter for appointment of Ld. Counsel to conduct the case on behalf of the prosecution.

Inform Superintendent, Presidency Correctional Home.

Inform the Investigating Officer through the Ld. Chief Public Prosecutor.

Dictated & corrected by me,

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.