

CRIMINAL MISC.CASE NO. 206 OF 2026
CIS NO. 195 OF 2026
JO CODE WB01244

Order No: 03, dt. 30.05.2026

The instant Criminal Misc. Case has been filed under Section 482 of BNSS, 2023 filed by the petitioners **1. Md. Jena @ Md. Jeyarul, 2. Md. Asha @ Md. Isa Haque, 3. Md. Ketabul, 4. Md. Sahadulla, 5. Md. Mustafa** and **6. Md. Samir Alam** seeking pre-arrest bail in connection with Phansidewa P.S. Case No. 372/2025 dated 15.08.2025 u/Ss. 126(2)/118(2)/109/3(5) of BNS, corresponding to PTN No. 4200/2025 pending before the Ld. A.C.J.M., Siliguri.

Today is fixed for hearing of Crl.Misc.Case.

Ld. Addl. Public Prosecutor as well as Ld. Lawyer for the accused / petitioners are present.

C.D. is produced. LCR is received.

The record is taken up for hearing of Crl.Misc.Case.

At the outset the Learned Advocate for the accused / petitioners submitted that no application for anticipatory bail has earlier been rejected by the Hon'ble High Court or is pending for disposal before the Hon'ble High Court and he draws attention of this Court to the affidavit affirmed in this respect.

Ld. Lawyer for the petitioners submitted that the petitioners have been falsely implicated in the instant case. It is further pointed out that the allegations are false and baseless and there is no chance of their absconsion and / or tampering of evidence in any manner. Ld. Advocate for the petitioners has prayed for pre-arrest bail on any terms and conditions.

The Learned Addl. Public Prosecutor has submitted that charge-sheet has been submitted in this case u/Ss. 126(2)/118(2)/3(5) of BNS against the accused / petitioners, accordingly, cognizance is taken and summons have been issued. It is pointed out that accused / petitioners were not arrested during the trial and after completion of charge-sheet summons of appearance have been issued.

Having heard the Ld. Advocates appearing on behalf of the parties and on perusal of the FIR and materials on record as well as in case diary and keeping in mind the nature of allegations and further considering the extent of complicity of the accused / petitioners in view of the fact that charge-sheet has been submitted and as such there is no need for custodial interrogation / trial, and therefore, I am inclined to allow the prayer for bail as made on behalf of the accused/ petitioners. Accordingly, prayer for pre-arrest bail to the accused / petitioners u/S. 482 of BNSS is considered and allowed.

In the event of arrest the accused / petitioners namely **1. Md. Jena @ Md. Jeyarul, 2. Md. Asha @ Md. Isa Haque, 3. Md. Ketabul, 4. Md. Sahadulla, 5. Md. Mustafa** and **6. Md. Samir Alam** be released on furnishing bail bond of **Rs. 5,000/- (Rupees Five Thousand only)** each with **one surety of like amount** to the satisfaction of the arresting officer with conditions laid down in section 482(2) of the B.N.S.S.

The Criminal Misc Case is thus disposed of.

Return the LCR and C.D.

Let a copy of this order be sent to the Ld. ACJM, Siliguri, and the I.O. / O.C. Phansidewa P.S. for necessary compliance.

Dict. & corrected by me

Sd/-
Sessions Judge, Darjeeling

Sd/-
Sessions Judge, Darjeeling