

CR MISC. CASE NO. 292 /2026

In the Court of Sessions Judge, Hooghly

Present: Sri D. Santra (J.O Code WB-00955)
Sessions Judge(I/C), Hooghly.

Order No. 03 dated 24/03/2026

This is an application under section 482 of BNSS filed by the petitioner namely **Firoj Mallik** in connection with Haripal P.S. Case No. 612/2025 dated 15/09/2025 under sections 318(4)/316(2) of BNSS.

C.D. and L.C.R. are produced.

Ld. P.P., Hooghly concedes to the submission of the Id. Advocate of the petitioner that neither any bail application under section 482 of BNSS is pending before the Hon'ble Court nor any such prayer has been rejected by the Hon'ble Court in respect of these petitioner.

Heard the Id. advocate for the petitioner who has submitted that the FIR was filed by the de facto complainant prior to the agreed date of payment of money. It is further submitted that the petitioner had paid some money to the de facto complainant. He prays for anticipatory bail on any terms and conditions.

Ld. P.P. , Hooghly has raised strong objection against the bail prayer. He has pointed out the statement of the de facto complainant recorded u/s 180 of BNSS It is submitted that criminal Court cannot act as recovery agent to ensure recovery of money of the de facto complainant. Ld. P.P. further submits that the document submitted by the Id. advocate for the petitioner shows that there was agreement between the petitioner and the de facto complainant before Panchayat on 21/08/2025 that the money would be pad by 30/09/2025 and some amount has been paid in the meantime by bank transaction as available in the photocopy of document submitted by the petitioner. It is further submitted by Id. P.P. that in view of that document the FIR is pre-mature one as the de facto complainant lodged the FIR on 15/09/2025, i.e. before the expiry of the agreed date made between the petitioner and the de facto complainant before Panchayat.

Having heard both sides and after perusal of the materials collected in the C.D., I find that the petitioner has not appeared before the I.O. in compliance of the notice u /s 35(3) of BNSS. It is true that criminal law cannot be put in motion to effect recovery. However, ingredients of cheating as alleged is made out in the FIR. The document produced by the Id. advocate for the petitioner cannot be considered by this Court until and unless the same is verified by the I.O.. It is also very difficult to rely on the document until and unless the same is made part of the C.D. by the I.O. The petitioner had not produced the document before the I.O.

Considering the fact that I find no document in the C.D. indicating that the petitioner had approached the P.S. and co-operated with the investigation, I am not inclined to give benefit of anticipatory bail. Accordingly, the prayer for anticipatory bail **stands refused.**

Return the C.D. and L.C.R.

Thus, the Cr. Misc. Case is disposed of.

Let a copy of this order be tagged with the case record.

Dictated & corrected by me.

S.J.

Sessions Judge(I/C), Hooghly