

CR MISC. CASE NO. 320 /2026
In the Court of Sessions Judge, Hooghly

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

Order No. 02 dated 07/03/2026

This is an application under section 482 of BNS filed by the petitioners namely 1) **Sekh Noor Islam** 2) **Babar Mallick** in connection with Haripal P.S. Case No. 82/2026 dated 09/02/2026 under sections 316(2) of BNSS.

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

Ld. Additional 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 petitioners.

Heard the Id. advocate for the petitioners who has submitted that the alleged dispute is a commercial dispute and is of civil nature. It is further submitted that this criminal case is not maintainable. Ld. advocate further submits that a similar case is also instituted by the complainant before Metropolitan Magistrate's Court. Ld. advocate prays for anticipatory bail on any terms and conditions.

Ld. Additional P.P., Hooghly raising strong objection against the bail prayer has pointed out to the materials collected in the C.D.. It is further pointed out that the hypothecated vehicle is not delivered by the petitioners before the complainant and there is also an order of arbitrator in this matter.

Having heard both sides and after perusal of the materials collected in the C.D., I find that there is specific allegation against the petitioners that the petitioners have hidden the hypothecated vehicle in order to save themselves from making payment.

Considering the materials available in the C.D. and also considering the fact that the hypothecated vehicle is yet not recovered, I am not inclined to give the benefit of anticipatory bail in favour of the petitioners at this stage. 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