

Cr. Misc. Case No. 371 of 2026
CNR No. WBHW0100 0968 2026
Present: Sri Mainak Dasgupta
Sessions Judge, In-charge, Howrah.
J.O. Code – WB01070

Order No.03 dated 10.03.2026.

The application u/S.483 BNSS arising out of Domjur P.S. Case No. 106 of 2026 dated 11.02.2026 u/Ss. 310(4)/310(5) of BNS, filed by the accused/petitioners namely, 1] Mursed Ali Sk., 2] Bapi Prasad, 3] Mahan Singh, & 4] Saiyad Lalbabu, is taken up for hearing.

SUBMISSIONS AND REASONS:

Heard Ld. Advocate for the accused/petitioners who submitted that all the 04 petitioners have been suffering custody since 11.02.2026 and that further detention would not aid the process of investigation.

Ld.P.P. has fairly submitted that such 04 accused/petitioners have already suffered detention since such date.

Perused the TCR and C.D.

Considered the submission made by the Ld. Advocate for the accused and the Ld Public Prosecutor.

The detention of an accused in the course of investigation should not be equated with a sentence and should not be ordered as a mode of punishment. Hon'ble Justice Krishna Iyer, J., in Gudikanti Narasimhulu v. State [Gudikanti Narasimhulu v. State, (1978) 1 SCC 240 : 1978 SCC (Cri) 115] was pleased to opine that "1. ... the issue [of bail] is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitised judicial process. ... After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of "procedure established by law".

It appears that such 04 accused/petitioners are suffering custody since 11.02.2026. Another accused who was subsequently arrested has already been granted bail by this Court vide order dated 05.03.2026. It also appears that the process of investigation has come to a standstill. Therefore, no further purpose shall be served by further detaining the accused/petitioners.

Hence, considering the above discussions and observations, the prayer for bail is allowed.

The accused be released on furnishing bond of Rs.2,000/- each with one surety of like amount each, to the satisfaction of Ld. Chief Judicial Magistrate, Howrah, on condition to meet with the I.O., once in a week till completion of investigation.

Let a copy of this order be sent to the Ld. CJM, Howrah.

LCR and CD be returned.

The criminal misc case is disposed of.

The order be uploaded in the CIS without delay.

Dictated & corrected by me.

S. J.

Sessions Judge, In-charge, Howrah.