

Cr. Misc. Case No. 378/2026
CNR No. WBHW0100 0987 2026
Present: Sri Mainak Dasgupta
Sessions Judge, In-charge, Howrah.
J.O. Code – WB01070

Order No.02 dated 26.02.2026.

The application u/S.482 BNSS arising out of Chatterjeehat P.S. Case No. 98 of 2025 dated 29.04.2025 u/Ss. 69/318(4)/316(2)/3(5) of B.N.S., filed by the accused/petitioner namely, Apurba Banerjee, is taken up for hearing.

Heard both sides.

Perused the materials on record.

In the case of Jagjeet Singh Vs. Asish Mishra, 2022 INSC 427, the Hon'ble Supreme Court of India was pleased to assert that the victims have a legal vested right to be heard at every stage of proceeding including the bail hearing. Furthermore, the Supreme Court of India in the case 'X' Vs. State of U.P. and Anr. and cited in 2024 LiveLaw (SC) 1002 was pleased to hold that it was mandatory to hear the informant/ victim before granting bail in rape offences. Even though such a judgement pertains to section 439(1A) Cr.P.C., yet the principles also extend to the prayer for anticipatory bail.

Hence, it can be concluded that the victim should be given notice about the prayer for bail preferred by the accused to enable the victim to raise objection.

Accordingly, Ld.P.P is hereby directed to serve notice upon the victim through the I.O. to ensure her presence.

In the meantime, no coercive action shall be taken against the petitioners concerned.

Fix 06.03.2026 for hearing.

C.D. be produced on the date fixed.

Dictated & corrected by me

S. J.

Sessions Judge, In-charge, Howrah