

Cr. Misc. Case No. 402 of 2026
CNR No. WBHW0100 1054 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 Howrah P.S. Case No. 533 of 2025 dated 24.12.2025 u/Ss. 399/402 of I.P.C. and u/Ss. 310(4)/310(5) of BNS, filed by the accused/petitioner namely, Subho Makal, is taken up for hearing.

SUBMISSIONS AND REASONS:

Heard Ld. Advocate for the accused/petitioner who submitted that the petitioner had been subsequently arrested on the basis of the statement of co-accused persons and is in custody since 19.02.2026.

Ld.P.P. fairly submitted that such accused was subsequently arrested.

Perused the TCR and CD.

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 does appear that the present petitioner was not arrested from the spot but subsequently arrested. It also appears that other co-accused persons have already been granted bail by this Court considering the period of custody vide order dated 13.01.2026. It also appears from the C.D that the process of investigation has come to a standstill.

Considering all such, I find it proper to allow the prayer for bail.

The accused be released on furnishing bond of Rs.2,000/- with two surety of equal Rs.1,000/- of the amount each to the satisfaction of Ld. Chief Judicial Magistrate, Howrah, on condition that the accused/ petitioner shall 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.