

Cr. Misc. Case No. 430 of 2026  
CNR No. WBHW0100 1151 2026  
Present: Sri Mainak Dasgupta  
Sessions Judge, In-charge, Howrah.  
J.O. Code – WB01070

Order No.02 dated 10.03.2026.

The application u/S.483 BNSS arising out of Jagatballavpur P.S. Case No. 228 of 2025 dated 05.07.2025 u/Ss. 310(4)/310(5) of BNS, filed by the accused/petitioner namely, Sk. Sirajul @ Sk. Siraj @ Hisabuddin Mondal @ Kana, is taken up for hearing.

**SUBMISSIONS AND REASONS:**

Heard Ld. Advocate for the accused/petitioner who submitted that the petitioner had been subsequently arrested and further submitted that investigation has already ended and a charge sheet has been submitted.

Ld.P.P also fairly submitted that charge sheet has already been submitted.

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".

Considering such and also considering the fact that other co-accused persons have been granted bail, the prayer for bail is allowed.

The accused be released on furnishing bond Rs.2,000/- with one surety of like amount, to the satisfaction of Ld. Chief Judicial Magistrate, Howrah.

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.