

Cr. Misc. Case No. 432 of 2026  
CNR No. WBHW0100 1161 2026  
Present: Sri Mainak Dasgupta  
Sessions Judge, In-charge, Howrah.  
J.O. Code – WB01070

Order No.03 dated 09.03.2026.

The application u/S.483 BNSS arising out of Dasnagar P.S. Case No. 38 of 2026 dated 19.02.2026 u/Ss. 310(4)/310(5) of BNS filed by the accused/petitioner namely, Provash Kar @ Laltu, is taken up for hearing.

**SUBMISSIONS AND REASONS:**

Heard Ld. Advocate for the accused/petitioner namely, Provash Kar @ Laltu who submitted that only a piece of iron rod has been asserted to have seized from such accused. It was also submitted that such accused is suffering a long period of detention and prays for bail.

Ld.P.P. has raised objection stating that recovery has been made from the place of the alleged occurrence.

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 would appear that the accused has been suffering a long period of detention during the course of investigation. It also appears from the C.D that process of investigation has come to a standstill. Therefore, it appears palpably that further detention of the accused would not aid the investigation.

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

The accused be released on furnishing bond Rs.5,000/- with two surety of equal Rs.2,500/-of the 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.