

Cr. Misc. Case No. 447 of 2026
CNR No. WBHW0100 1194 2026
Present: Sri Mainak Dasgupta
Sessions Judge, In-charge, Howrah.
J.O. Code – WB01070

Order No.03 dated 13.03.2026.

The application u/S.483 BNSS arising out of Howrah G.R.P.S. Case No. 25 of 2026 dated 11.02.2026 u/Ss. 310(4)/310(5) of BNS filed by the accused/petitioners namely, 1] Md. Irfan & 2] Ahtisham Akhtar @ Aktar, is taken up for hearing.

The petitioners have stated on affidavit that no application has been filed or rejected before or by the Hon'ble High Court till date.

SUBMISSIONS AND REASONS:

Heard Ld. Advocate for the 02 accused/petitioners who submitted that the accused persons are in custody since 11.02.2026 and have suffered sufficient detention during the period of investigation and also submitted that further detention would not aid the investigation. With such submissions, Ld Advocate for the accused has prayed for bail.

Ld.P.P. fairly submitted that such accused persons have been suffered detention for such period but also further submitted that such two accused were arrested from the spot.

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 a sufficient period of detention has already been suffered by two accused persons. Furthermore, from the C.D., it appears that the process of investigation has fallen stagnant. There is no purpose to curtail the personal liberty of the petitioners any further.

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

The accused be released on furnishing bond of Rs.3,000/- each with two surety of equal Rs.1,500/-of the amount each to the satisfaction of Ld. Chief Judicial Magistrate, Howrah, on condition that the accused/ petitioners 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.

TCR 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.