

Special Case No. 18 of 2025  
Sagardighi P.S. Case No. 646 2025 dt. 27.07.2025 u/s. 3(1)(r)(s) of SC & ST  
(POA) Amendment Act, 2015

Order No. 03 dated 18.09.2025

The sole accused Masiur Rahaman @ Musi is produced from J/C.

Today is fixed for hearing of the bail petition dt. 04.09.2025.

Ld. Advocate for the Defence Counsel filed another bail petition today supported by an affidavit to that effect that the accused has already been arrested and in custody since 04.09.2025.

The accused was brought under arrest on 04.09.2025.

Prosecution was directed to serve notice upon the victim lady who is also present today.

In the meantime it is revealed that the accused filed one Criminal Misc. Case No. 5141 of 2025 dt. 01.09.2025 before the Ld. Sessions Judge on 01.09.2025 u/s. 482 BNSS praying for anticipatory bail. In the meantime the accused is arrested on 04.09.2025 and produced before this court.

Both the bail petitions are taken up for hearing.

Copy served.

Heard the Ld. Advocate for the accused person.

Ld. Special PP is also present along with C/D.

Ld. Defence Counsel submitted that the gravity of the offence is not very grave and no specific revelation of the abusive languages are mentioned in the written complaint.

Ld. Advocate further argued that both the victim lady and the accused are working in Panchayat Samity since last two years and there was only a dispute regarding allocation of duties. The victim lady taking the advantage of the situation has raised allegation against the accused u/s. 3(1)(r)(s) of SC & ST POA Amendment Act, 2015. The sections which are implicated against the accused person where the offence is caused by intentional insult or intimidating to humiliate a member of SC or ST in any place within public view and abusing any member of a SC or ST by caste name in any place within public view, the punishment provided for the section is imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine.

(2)

The Ld. Advocate for the accused also submitted that no bail petition is pending before the Hon'ble High Court or any upper forum. The accused has complied the provisions u/s.35(3) BNSS & 35(4) BNSS and he will cooperate with the investigating agency as and when called for. There will be no illegal influence upon the victim lady and if the accused is released he will abide by the law and he will not cause any kind of coercion, force or influence upon the victim or tampering of evidence.

The Ld. Special PP during his submission on the contrary has argued that nothing reveals from the CD that any bail petition has been rejected earlier for this accused person in c/w this case. The petition for anticipatory bail is infructuous since the accused has been arrested on 03.09.2025 at 15:45 hrs. from Kolkata. The Ld. PP also pointed out that initial notice u/s. 35(3) BNSS was served upon the accused and the accused had complied the said notice by making his appearance before the investigating agency on 19.08.2025 and his statement was recorded by the I.O. on the same date. Later on the victim lady lodged a G.D.E. dt. 25.08.2025 against the accused as she was anxious regarding her safety and security. Accordingly notice was issued to the accused on the same date , but it could not be served directly to the accused. Later on the accused was arrested from Kolkata.

Perused the entire materials on CD as well as the- record.

Having heard the submissions of both the Ld. Special PP and Ld. Defence Counsel it transpires that the victim lady and the accused both worked in Sagardighi Panchayat Samity and the accused was the Chairman of that Panchayat Samity. Both were working since last two years and both are elected members and people's representative. Notice u/s.35(3) BNSS was duly served upon the accused and the accused had complied the direction of the investigating agency. Though it is mentioned in the complaint that there was dispute regarding the allocation of duties for the welfare of the Tribe community, but since when the dispute occurred not specifically mentioned, no document is also produced in this regard that the accused had violated the norms of the Panchayat Samity or have done anything detrimental towards the interest of the SC & ST community of that Panchayat area.

No particular verbatim which was allegedly used is not transpired from the CD or the complaint itself or from the statements recorded by the I.O. u/s.161 Cr.P.C. No allegation of this kind was raised earlier against this accused person by the victim lady. The accused is behind the bar since 04.09.2025.

(3)

The I.O. did not pray for police custody of this accused till date.

From the materials in CD it transpires that initial stage of investigation is over . During the judicial custody for last 14 days of this accused, the I.O. did not pray for any jail interrogation of this accused since 04.09.2025 till date.

Considering the nature and gravity of the offence and considering the detention of this accused I am inclined to hold that further custodial interrogation is not necessary. The accused, Masiur Rahaman, the erstwhile Chairman of Sagardighi Panchayat Samity may be released on some stringent conditions only.

Hence, it is

**Ordered,**

that the accused Masiur Rahaman @ Musi may be enlarged on bail of Rs.1 Lakh (one lakh) only with two registered sureties of Rs.50,000/- (fifty thousand) only each, one of whom must be local, subject to the condition that he will not enter within the jurisdiction of Sagardighi police station until the submission of charge sheet or as and when called for by the I.O. of this case for the purpose of investigation.

The accused if on bail is directed not to show any kind of threat, force, coercion or influence to the victim or her family members or the witnesses of this case and I.O. is directed to remain vigilant as to no tampering or hampering of evidence is caused, i.d. to J/C till 04.11.2025, subject to the satisfaction of Ld. C.J.M., Murshidabad and with a direction to appear on each and every date of trial in court without fail.

Thus the bail petitions dt. 04.09.2025 and 18.09.2025 are disposed of.

To date (04.11.2025) for appearance, if on bail / production and I.O.'s report. CD be returned.

Let a copy of this order be sent to the Ld. C.J.M., Murshidabad for his information and necessary action.

In terms of the direction of the Hon'ble Apex Court in its true sprit in SMWP (CRIMINAL) No.4 of 2021 dated 31.01.2023 communicated vide Memo. No.1865(53)/HCGF Dated 03.05.2023 vide email on 04.05.2023, let soft copy of this order be sent to the Superintendent, Berhampore Correctional Home, Berhampore, Murshidabad in its official email ID [suptcswb.bhp-wb@gov.in](mailto:suptcswb.bhp-wb@gov.in) and Secretary DLSA, Murshidabad in [dlsa.ms@gmail.com](mailto:dlsa.ms@gmail.com) for abundant precaution.

Dictated & corrected by me

Addl. Sessns. Judge, 1<sup>st</sup> Court,

Additional Sessions Judge, 1<sup>st</sup> Court,  
Berhampore, Murshidabad

