

Crl. Misc. Case No. 478 of 2026

Present : Smt. Sangita Dutta

Sessions Judge, Malda. (*In-charge*)

Order No. 03 dated 07-03-2026

This is an application u/s 482 of B.N.S.S. filed on behalf of the present petitioners namely, 1. Ismail Sk. @ Ismail Sekh, 2. Najir Sk., 3. Jamila Bibi and 4. Nasima Bibi in connection with Kaliachak P.S. Case No. 146/2026 dated 28.01.2026 under Sections 126(2)/115(2)/117(2)/118(2)/74/3(5) of B.N.S. The said application is taken up for hearing.

Before proceeding with hearing the said application, this Court specifically queried from the Ld. Advocate representing the present petitioners as to whether any other similar application is pending in either the Hon'ble Court, Calcutta or in the Hon'ble Supreme Court. This Court further queried whether there has been any earlier rejection of any application for bail in an earlier occasion by the Hon'ble High Court or the Hon'ble Supreme Court.

The Ld. District P.P. as well as the Ld. Advocate representing the present petitioners submitted that no such application is pending and/or there is no order of rejection from either the Hon'ble High Court, Calcutta or the Hon'ble Supreme Court.

The Ld. Advocate representing the present petitioners submits that the petitioners herein are innocent and they have been falsely implicated in the instant case. They have no nexus with the offence as alleged. He, therefore, prays for anticipatory bail in respect of the present petitioners on any condition.

The learned District P.P. submits that the instant case is indeed a serious one and allowing the prayer for anticipatory bail would highly prejudice the prosecution. He, therefore, prays for rejection of the prayer for anticipatory bail.

Ld. Advocate representing the present petitioners and the Ld. District P.P. is heard at length.

Perused the LCR and CD.

Upon perusal of the CD and LCR it appears that the instant case has been arisen out of one complaint made by one Jahir Sk. against the accused-petitioners with the allegation of physical assault resulting in injury on her and two minor children. Considered the materials on record and the injury reports available at page 21 of the CD and the injury report as available at the CD shows cut injury on the scalp but there is nothing on the record to ascertain the gravity of the injury. There is nothing in the CD to ascertain that the victim except treatment at Golapganj PHC, had to be transmitted anywhere else for better treatment. In such circumstances, I do not find any reason to warrant the custodial interrogation of the present accused-petitioners. Accordingly, the prayer for anticipatory bail is hereby allowed.

Hence, it is

O R D E R E D

that in the event of arrest the present petitioners namely, 1. Ismail Sk. @ Ismail Sekh, 2. Najir Sk., 3. Jamila Bibi and 4. Nasima Bibi shall be released upon furnishing bail bond of Rs. 8,000/- each with two registered sureties of Rs. 4,000/- each, subject to satisfaction of the Arresting Officer. If on bail they will comply the provision u/s 482(2) of B.N.S.S.

In addition to the same the accused-petitioners are directed to surrender before the appropriate Court and pray for regular bail within a fortnight from date.

Return the L.C.R and the C.D.

The Crl. Misc. Case is thus disposed of.

Dictated & Corrected by me,

Sessions Judge, Malda. (I/C)

Sessions Judge, Malda. (I/C)