

Crl. Misc. Case No.590 of 2026

Present : Smt. Sangita Dutta

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

Order No.02 dated 07-03-2026

This is an application u/s 482 of B.N.S.S. filed on behalf of the present accused-petitioners namely, 1. Satyendra Nath Mandal, 2. Uma Mandal in connection with Habibpur P.S. Case No.34/2026 dated 05.02.2026 under Sections 105/3(5) of BNS. 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 accused-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 accused-petitioners submits that the accused-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 accused-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 for defacto complainant raised his objection to the instant anticipatory bail petition.

Upon perusal of the LCR and CD it appears that the instant case relates to allegation of Bishnu Mandal against the accused-petitioners along with others regarding death of his son Bishal Mandal by electrocution. Perused the PM report available at page 51 of the CD showing the death was due to effects of electrocution and the same is ante-mortem in nature. This Court also considered the inquest report available at page 53 where from it is found that during inquest, the defacto complainant in spite of his presence did not utter a single word against the present accused/petitioners regarding involvement in the alleged crime. Considering the materials available in the CD, I do not find any reason to warrant the custodial interrogation of the present accused/petitioners. Accordingly, their prayer for anticipatory bail is allowed.

Hence, it is

ORDERED

that in the event of arrest the present accused-petitioners 1. Satyendra Nath Mandal, 2. Uma Mandal shall be released upon furnishing bail bond of Rs.10,000/-each with two registered sureties of Rs.5,000/-each, subject to satisfaction of the Arresting Officer. If on bail they will comply the provision u/s 482(2) of BNSS.

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 CD.

The Crl. Misc. Case is thus disposed of.

Dictated & Corrected by me,

Sessions Judge, Malda. (I/C)

Sessions Judge, Malda. (I/C)