

Crl. Misc. Case No. 620 of 2026

Present : Smt. Sangita Dutta

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

Order No. 02 dated 11-03-2026

This is an application u/s 482 of B.N.S.S. filed on behalf of the present petitioners namely, 1. Bibhisn Das, 2. Nilima Mandal (Das), 3. Mantu Das, 4. Jishnu Das, 5. Rita Das, 6. Bulti Das @ Anima Das, 7. Sagari Das and 8. Sudhir Das in connection with Mothabari P.S. Case No. 267/2024 dated 17.05.2024 under Sections 341/325/326/307/354/506/34 of the I.P.C. The said application is taken up for hearing.

At the outset, Ld. Advocate for the petitioners prays for not pressing the anticipatory bail prayer of petitioner nos. 1 and 3. Accordingly, the same are rejected being not pressed.

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 Shiuli Ghosh against the accused-petitioners along with others with the allegation of physical assault as well as outraging of modesty and attempt to murder. Considering the materials on record and the injury report and the statements of the injured available in the CD under Section 161 Cr.P.C., I do not find any reason to warrant the custodial interrogation of the accused-petitioner nos. 5, 6 and 7. However, the anticipatory bail prayer in respect of accused-petitioner nos. 2, 4 and 8 stands rejected.

Hence, it is

ORDERED

that in the event of arrest the present petitioner nos. 5, 6 and 7 namely, Rita Das, Bulti Das @ Anima Das and Sagari Das shall be released upon furnishing bail bond of Rs. 6,000/- each with two registered sureties of Rs. 3,000/- 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-petitioner nos. 5, 6 and 7 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)