

Crl. Misc. Case No. 621 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. Bibhisan Das, 2. Sudhir Das, 3. Mantu Das, 4. Jishnu Das, 5. Bulti Das @ Anima Das, 6. Shyamali Das, 7. Sagari Das, 8. Tushar Das and 9. Raj Das in connection with Mothabari P.S. Case No. 833/2025 dated 06.10.2025 under Sections 110/117(2)/126(2)/3(5) of B.N.S. 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 Rupali Das against the accused-petitioners with the allegation of physical assault as well as attempt to commit murder upon herself, her husband and her mother-in-law. Considered both the injury reports available at CD at page 35 and 38. Though the injury of the defacto complainant is simple but the injury of her husband is severe in nature and it was on vital part of his body and he was referred to Malda Medical College & Hospital for further treatment. Considering the involvement of accused-petitioner no. 8, Tushar Das in the alleged injury caused upon Dipak Das, his anticipatory bail prayer is considered and rejected. As regards the other accused-petitioners, i.e., accused-petitioner nos. 2, 4, 5, 6, 7 and 9, the same is allowed. Accordingly, the prayer for anticipatory bail is hereby allowed in respect of accused-petitioner nos. 2, 4, 5, 6, 7 and 9.

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Hence, it is

O R D E R E D

that in the event of arrest the present petitioner nos. 2, 4, 5, 6, 7 and 9 namely, Sudhir Das, Jishnu Das, Bulti Das @ Anima Das, Shyamali Das, Sagari Das and Raj Das shall be released upon furnishing bail bond of Rs. 7,000/- each with two registered sureties of Rs. 3,500/- 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. The accused-petitioner nos. 2, 4 and 9 are also directed to meet the I.O. once in a week till submission of charge-sheet.

In addition to the same the accused-petitioner nos. 2, 4, 5, 6, 7 and 9 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)