

Crl. Misc. Case No.674 of 2026

Present : Smt. Sangita Dutta

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

Order No.03 dated 20-03-2026

This is an application u/s 482 of B.N.S.S. filed on behalf of the present accused-petitioner namely, Anamul Sk @ Enamul Sekh @ China in connection with Kaliachak P.S. Case No.1963/2025 dated 26.11.2025 under Sections 189(2)/191(2)/191(3)/190/109/ 61(2) of BNS R/W Section 25(1-B)(a)/25/27/35 of Arms Act. 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-petitioner 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 petitioner 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-petitioner submits that the accused-petitioner herein is innocent and he has been falsely implicated in the instant case. He has no nexus with the offence as alleged. He, therefore, prays for anticipatory bail in respect of the present accused-petitioner 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.

Upon perusal of the LCR and CD it appears that the instant case relates to allegation of one ASI Goutam Saha of Kaliachak PS against the accused-petitioner along with others regarding group clash. Some of the co-accused persons have already been enlarged on anticipatory bail in Crl. Misc. Case No.343/2026 and 399/2026. There is no overtact in the CD as against this accused/petitioner. There is no major injury in the record. The accused/petitioner, it appears formed part of attacking mob and the nature of complicity as alleged did not reflect any need for custodial interrogation. Considering all, his prayer for anticipatory bail is allowed.

Hence, it is

ORDERED

that in the event of arrest the present accused-petitioner namely Anamul Sk @ Enamul Sekh @ China shall be released upon furnishing bail bond of Rs.6,000/-with two registered sureties of Rs.3,000/-each,subject to satisfaction of the Arresting Officer. If on bail he will comply the provision u/s 482(2) of BNSS.

The accused/petitioner is also directed to meet the IO of this case twice in a week till submission of charge sheet.

In addition to the same the accused-petitioner is 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)