

**Crl. Misc. Case No.682 of 2026**

Present : Smt. Sangita Dutta

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

**Order No.02 dated 16-03-2026**

This is an application u/s 482 of B.N.S.S. filed on behalf of the present accused-petitioners namely, Md. Matibur Sk, Md.Matiur Sk in connection with Kaliachak P.S. Case No.1058/2025 dated 16.06.2025 under Sections 191(2)/191(3)/190/126(2)/ 118(2)/ 109/3(5) of BNS R/W Section 25(1-B)(a)/27/29 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-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.

Upon perusal of the LCR and CD it appears that the instant case relates to allegation of SI Alamgir Sarkar of Kaliachak PS against the accused-petitioners along with others in group fight, It appears from the materials on record that other co-accused have already been enlarged on anticipatory on previous occasion in Crl. Misc. Case No.417 of 2026. Moreover, charge sheet has already been submitted on 23.09.2025. In such circumstances, 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 No.1. Md. Matibur Sk, 2. Md. Matiur Sk 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)