

Crl. Misc. Case No.683 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, Chhoton Ghosh @ Sumit Ghosh, Rintu Mandal, Rqambilash Sahani in connection with English Bazar P.S. Case No.169/2026 dated 06.02.2026 under Sections 329(4)/115(2)/117(2)/118(1)/118(2)/303(2)/324(4)/351(2)/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.

Upon perusal of the LCR and CD it appears that the instant case relates to allegation of one Aparna Ghosh against the accused-petitioners regarding physical assault upon employee of the restaurant Abhijit Halder and the husband of the defacto complainant, Subrata Ghosh and another person namely Shyamal Ghosh. Perused the injury report of Shyamal Ghosh available at page 7 to 9 of the CD. Also considered the statements of the injured witnesses recorded under Section 180 BNSS available at page 14,15 and 17 of the CD. Considering the allegation against all the three accused/petitioners, I do not think it is a fit case for allowing the anticipatory bail prayer. Hence, the same stands rejected.

Return the L.C.R. and CD.

The Crl. Misc. Case is thus disposed of.

Dictated & Corrected by me,

Sessions Judge, Malda. (I/C)

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