

Crl. Misc. Case No.796 of 2026

Present : Smt. Sangita Dutta

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

Order No.02 dated 16-03-2026

The record is put up today by way of petition filed on behalf of the present accused/petitioners.

This is an application u/s 483 of B.N.S.S. filed on behalf of the present accused-petitioners namely, 1. Nur Alam Momin, 2. Sadikul Momin in connection with English Bazar P.S. Case No.177/2026 dated 08.02.2026 under Sections 310(4)/310(5) of BNS. The said application is taken up for hearing.

Before proceeding with hearing the said application, this Court specific 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 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 accused-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-petitioner 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 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 bail would highly prejudice the prosecution. He, therefore, prays for rejection of the prayer for bail.

Upon perusal of the CD and LCR it appears that in the instant case the accused-petitioners are languishing in custody since 08.02.2026. Charge-sheet has already been submitted in this case on 02.03.2026. From the materials available it appears that one piece of nylon rope length approx 15' was recovered from the possession of the accused/petitioner No.1 and one iron made hansua with wooden butt length approx 02' was recovered from the possession of the accused/petitioner No.2. The period of detention is substantial and considering the completion of investigation, I do not find any effective purpose would be served by their continuance in custody,. Hence, the prayer for bail is allowed.

Hence, it is

ORDERED

that present accused-petitioners. No.1. Nur Alam Momin, 2. Sadikul Momin shall be released on furnishing bail bond of **Rs.10,000/-each with two sureties of Rs.5,000/-each, out of whom one must be local**, subject to satisfaction of the Learned C.J.M, Malda.

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)