

IN THE COURT OF SESSIONS JUDGE, MALDA.

Present : Mr. Subhankar Sen.

Ld. Sessions Judge, Malda.

Criminal Misc. Case No. 965 of 2026

Order No. 03, dated 22.05.2026

The application, praying for anticipatory bail, under Section 482 of the B.N.S.S., submitted on behalf of the accused/petitioners, viz. **Akmaul Hoque, Asnara Khatun @ Asnara Bibi**, who apprehend arrest, in connection with Mothabari P.S. Case No.1004/2025, dated 09.12.2025 under Sections 110/115(2)/117(2)/329(4)/74/3(5) of the B.N.S. which is taken up for hearing along with the L.C.R. and C.D..

At the outset, Ld. Defence Counsel mentioned that no other bail application in respect of the accused/petitioners have been preferred or pending or rejected before any higher authority concerned.

The anticipatory bail prayer is moved by the learned lawyer on behalf of the accused/petitioners. Ld. Advocate for the accused/petitioners submits before the Court that they have been falsely implicated in this case. So, he prays for anticipatory bail on any condition this Court may deem fit and proper.

Learned P.P. Malda opposes the prayer for anticipatory bail contending that did not comply with the Notice under Section 35(3) of the BNSS.

Perused the materials on C.D and other materials on record.

Having heard both sides and on careful perusal of the C.D materials it appears that the accused/petitioners are named in the FIR and there has been allegation against them with regard to causing physical assault upon the victim by fist and blows and kicks and as such Notice under Section 35(3) of the BNSS was duly served upon them, but they did not comply. Another accused persons arising out of the present FIR, pursuant to his arrest, was enlarged on bail by the regular Court. Considering the aforesaid facts, nature of injury sustained by the victim, I do not think any fruitful purpose would be served by way of custodial interrogation of the present accused/petitioners since no application for anticipatory bail under Section 482 of the BNSS in respect of them is either pending before or rejected by the Hon'ble High Court, Calcutta. Therefore, I am inclined to grant them anticipatory bail.

Thus, in the event of arrest in connection with above mentioned case, the accused/petitioners, viz. **Akmaul Hoque, Asnara Khatun @ Asnara Bibi**, may be released on bail on furnishing bail bond of Rs.5,000/-each, with two registered sureties of Rs.2,500/-each, subject to the satisfaction of the Arresting Police Officer and comply the conditions, as enumerated under Section 482(2) of the B.N.S.S.

Return the C.D. and the L.C.R. at once.

Thus, the Criminal Misc. Case is hereby disposed of.

Dictated & Corrected by me,

Sessions Judge, Malda.

Sessions Judge, Malda.