

Present : Sri Debdeep Manna
Additional Sessions Judge (FTC-I), Krishnagar
and In-charge of Sessions Judge, Nadia.

Criminal Misc. Case No. 497 of 2026

Order No. 02
06-03-2026

The application for bail U/s 483 of the BNSS filed on behalf of accused/petitioners **(1) Fulchand Sk and (2) Habibul Sk @ Habib Sk** who are in custody in connection with Kaliganj P.S. Case No. 92/2026 dated 07.02.2026 under sections 329(4)/117(2)/118(2)/109/324(4)/351(2)/3(5) of the BNS is taken up for hearing along with LCR and CD.

Heard Learned Advocate for the accused/petitioner as well as Learned Public Prosecutor.

At the outset, Learned Advocates of both sides state that no similar bail application is preferred, pending before or rejected by any Higher Court of law.

Learned Advocate for the accused/petitioner, while moving the application under section 483 of the BNSS, submits before the Court that accused is in custody since 08-02-2026. These petitioners along with others assaulted one Khapa Sk, Samirul Sk and Kulsun Khatun and they sustained injury. He also submitted that there counter case being no. Kaliganj P.S. casen no. 91 of 2026 dated 07-02-2026. So, considering period of detention and injury report and material in the C.D., the prayer for bail of the accused/petitioners should be allowed.

On the other hand, Learned Public Prosecutor raises objection regarding the prayer for bail under Section 483 of the BNSS, on the ground that these accused petitioners along others assaulted the victims, result of which they sustained injury.

Considered the submissions of both sides.

Perused the materials on record and CD.

Having heard the submissions of both sides, as aforesaid and perusing the materials in LCR and CD, injury report and other materials placed before me, it appears that there is specific allegation of assault against accused Fulchand Sk.

Hence, the prayer for bail of accused/petitioner no. 1 **Fulchand Sk** under section 483 of the BNSS stands **rejected**.

So, far as the other accused is concerned, there is no reflection in the C.D. that Samirul Sk is still admitted in hospital for treatment. More over I do not find any statement under Sec. 161 of Cr.P.C. of Samirul Sk in the C.D.

Keeping in view the aforesaid facts, period of detention already undergone and considering the material in C.D, I am inclined to allow the prayer for bail under section 483 of the BNSS to the accused/petitioner no. 2 , **Habibul Sk @ Habib Sk**.

Hence, the prayer for bail of **Habibul Sk @ Habib Sk** under Section 483 of the BNSS of stands **allowed**.

Accordingly, the accused/petitioner **Habibul Sk @ Habib Sk**, may find bail of Rs.4000/- with two sureties of Rs.2000/- each, other than previous surety, subject to the satisfaction of Learned Chief Judicial Magistrate, Nadia at Krishnagar, on condition that if on bail, he shall appear before the concerned Learned Court on each and every date, in default, to judicial custody.

CD and LCR be returned.

Criminal Misc. Case, is, thus, finally disposed of.

Dictated & Corrected by me

Sd/- Debdeep Manna
Sessions Judge, Nadia
(In-Charge)
06-03-2026

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Sessions Judge, Nadia
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