

IN THE COURT OF Sessions Judge in charge, NORTH 24 PARGANAS

Present: **Sri Parag Neogi (WB-00957)**

Sessions Judge in charge, North 24 Parganas.

Criminal Misc. Case No.101 of 2026

Azaharul Haque @ Pappu V/s The state.

Order no. 03 dated 09.03.2026:

The instant application u/s. 482 B.N.S.S filed by the petitioner, **Azaharul Haque @ Pappu** in c/w Matia P.S. case No.305/2025 dated 17.09.2025 u/s.85/316(2)/117(2)/110/74/3(5) of B.N.S. is taken up for hearing and order. L.C.R received. C.D is also produced.

Heard the learned advocate for the petitioner accused and the learned P.P In-charge.

Ld. Counsel for the petitioner submits that this is a simpliciter case of Section 85 of B.N.S and the case arose out of matrimonial discord in between the parties and to increase the gravity of the offence, Section 110 of B.N.S has been inserted in this case, but the ingredient of section 110 of B.N.S is lacking in this case and that chargesheet has already been submitted after completion of investigation and two co-accd persons have been enjoying the privilege of bail and that the allegations against the accd petitioner are false and that he has permanent heath and home and as such he will not abscond. Ld. Counsel further submits that the entire fact has surfaced in the F.I.R, so there is hardly any need for custodial interrogation and detention. Ld. Counsel further contented that as there is no chance of tampering with evidence or hampering into investigation, his prayer for anticipatory bail may be granted.

It is submitted by Ld. Advocate for the accused that no bail petition is pending before or rejected earlier by this court or by any upper court.

On the other hand, Ld. P.P in charge raises objection, relying on the materials in the C.D including the injury report. He also submits that chargeshet has already been submitted within the statutory period.

Hd. both sides. Perused the materials therein. Considered the rival submissions.

On behalf of the State, Ld. P.P has raised strong objection on the ground that the defacto complainant was subjected to cruelty by the petitioner and other inmates of his family. Perused the materials available before me where from I find that considering the natue of allegation, the fact that investigation has been completed in this case and other co-accd persons have been released on bail, I find that there is no cogent ground which warrants petitioners' custodial interrogation at this stage. Hence, his anticipatory bail prayer is allowed.

Accordingly, in the event of arrest, the accd person namely **Azaharul Haque @ Pappu** may find bail on furnishing bond of Rs.5,000/- with two sureties of Rs.2,500/- each of like amount, subject to the satisfaction of Arresting Officer, and to comply with the provision as laid down u/s. 482(2) B.N.S.S subject to condition that he also shall not directly or indirectly try to meet, interact, influence or intimidate the complainant or witnesses, and also shall not try to tamper with the evidence in any manner whatsoever and on further condition that the petitioner shall appear personally on every date before the Jurisdictional Court and and he shall appear before the Id Court below for regular bail within three weeks

Return the L.C.R along with a copy of this order to the concerned Court for information and necessary action.

C.D be returned.

The instant C.M.C is disposed of.

Dictated & corrected by me.

**Sri Parag Neogi,
Sessions Judge in charge,
North 24 Parganas.**

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