

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.321 of 2026

Refajul Mondal and others V/s The state.

Order no. 03 dated 31.03.2026:

The instant application u/s. 482 B.N.S.S filed by the petitioners, **Refajul Mondal, Safikul Mondal, Joynal Mondal, Ramjan Mondal, Rahaman Mondal and Kamal Mondal** in c/w Bongaon P.S. case No.40/2026 dated 15.01.2026 u/s.126(2)/115(2)/117(2)/118(2)/76/351(2)/3(5) of B.N.S is taken up for hearing and order.

T.C.R received. C.D is produced.

Heard the learned advocate for the petitioners accused and the learned P.P In-charge. Ld. Counsel for the petitioners submits that there is no specific allegation against the present petitioners and that there is land dispute in between the parties and that though a hot altercation took place, however no such incident as alleged ever took place and the ingredient of Section 76 of B.N.S is missing in this case and other co-accused persons were granted bail in connection with C.M.C no.202/2026 and the case of the petitioners stands on similar footing to that of accused persons who were already granted bail. 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, their prayer for anticipatory bail may be granted. He also submits that the petitioners are ready to cooperate with the investigation and to face the trial and also submits that they have permanent hearth and home and as such there is no chance of their abscontion and they are ready to comply with any other condition if be imposed and in view of that, further detention of the present petitioners is not required and as such their prayer for bail should be allowed. He further submits that no such application of these petitioners has either been moved before or rejected by the Hon'ble Court on any previous occasion. Hence, he prays for grant of bail of the accused petitioners on any condition as deemed fit.

On the other hand, Ld. P.P in charge raises objection, relying on the materials in the C.D including the statements of witnesses recorded under Section 180 of B.N.S.S and medical documents.

Hd. both sides. Perused the C.D. and L.C.R. and materials therein. Considered the rival submissions.

Materials on C.D especially the injury report do not substantiate the grievousness enumerated in the written complaint. Co-accused persons are already on bail. There is case and counter case in between the parties on the self same incident. Materials on C.D do not support the custodial interrogation of the present petitioners.

Considereing above, I am inclined to allow their anticipatory bail prayer on some conditions.

Accordingly, in the event of arrest, the accd persons namely **Refajul Mondal, Safikul Mondal, Joynal Mondal, Ramjan Mondal, Rahaman Mondal and Kamal Mondal** may find bail on furnishing bond of Rs.5,000/- each 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 they 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 petitioners shall appear personally on every date before the Jurisdictional Court and they shall appear before the Id Court below for regular bail within three weeks.

C.D be returned.

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

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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