

In the Court of the Sessions Judge, North 24 Parganas at Barasat.

Present : *Sri A.N. Bhattacharya.*
Sessions Judge (I/C), North 24 Parganas at Barasat
JO Code: WB00819

Criminal Misc. Case No:1036 of 2026
CNR No:WBNP-01-003698-2026

Order No.03, dated -12.06.2026

Today is fixed for hearing of this Criminal Misc. Case under Section 482 of the BNSS filed on behalf of the accused persons/petitioner, namely, **Md. Musibur Gazi** who is apprehending arrest in connection with GR Case No 1493 of 2026 arising out of Minakhan PS Case No.105 of 2026, dated 24.03.2026 under 126(2)/117(2)/109/3(5) of the Bharatiya Nyaya Sanhita.

Ld. P.P and Ld. Advocate for accused/petitioner are present.

Ld. Advocate for the accused/petitioner by swearing affidavit stated that no such application under Section 482 of the BNSS, 2023 is either filed or pending before any higher forum or rejected by any higher forum. It is also submitted that no anticipatory bail application of this accused has been rejected on earlier occasion by this Court.

Ld. Lawyer for the accused persons/petitioner submitted that the accused person/petitioner is totally innocent and he has been falsely implicated in this case. It is also submitted that the alleged incident took place over some business dispute and he and other accused persons have been falsely implicated by the informant only to teach them a good lesson. It is also submitted that two accused persons of this case have been granted bail by the Id trial Court and he stands on same footing and accordingly, he may be entitled to get anticipatory bail. It is further submitted that the accused person/petitioner is permanent residents within the jurisdiction of this Court and will not abscond if released on bail.

Ld. P.P produces case diary and raises strong objection. He draws the attention of this Court to the injury report and submits that the victim has suffered injury on the vital part of his body and accordingly, he prays for rejection of the anticipatory bail prayer.

This Court has perused the materials on the case record and the case diary along with the bail application and considered the same in the light of the materials on record and submissions made by Ld. Counsels for both the sides.

On perusal of the case record and case diary, especially the written information, it appears that there is specific allegation against the present accused person regarding

causing injury on the body of the victim with the intention to cause his death. However, on perusal of the statements of the witnesses recorded under Section 180 of B.N.S.S, it is found that there is no specific allegation against the present accused person/petitioner. The allegations made in such statement are general. The materials on C.D do not also disclose that there was no intention on the part of the accused person to cause death of the victim. Considering the above facts and circumstances of this case and the fact that two accused persons on the same footing are already on bail, this Court is inclined to release him on anticipatory bail.

Accordingly, the prayer for anticipatory bail stands **allowed**.

Accordingly, in the event of arrest, the accused person/petitioner namely **Md. Musibur Gazi** shall be released on furnishing bail bond of Rs. 5,000/- with two registered sureties of like amount, subject to the condition that he will co-operate in the process of investigation and shall not intimidate any witness of this case or tamper any evidence of this case.

In view of the above, the application for anticipatory bail is thus disposed of on contest.

C.D is returned.

Let a copy of this order along with TCR of Minakhan PS Case No.105 of 2026, dated 24.03.2026 under 126(2)/117(2)/109/3(5) of the Bharatiya Nyaya Sanhita be sent to the Court of Ld.A.C.J.M, Basirhat.

Note it.

Dictated and Corrected:

Sessions Judge, (I/C) North 24 Parganas.

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