

Criminal Misc. Case No. 1362 of 2026

Present: Sukumar Ray

J.O. CODE NO.WB00590.

Sessions Judge, North 24-Parganas

Order No. 03 dated 14.08.2026

1. In this criminal Misc. case under section 482 of the Bharatiya Nagarik Surakhsha Sanhita, 2023 the accused/petitioner namely, **Smita Roy Chowdhury** who apprehends his arrest in connection with G.R no.339 of 2026 arising out of Bidhannagar North Police Station case No.38/2026 dated 05.04.2026 under sections 316(4)/318(4) of B.N.S has come up with a prayer for grant of anticipatory bail.

2. At the very outset, Ld. Advocate for the accused/petitioner submits that no application for bail has either been rejected by the Hon'ble High Court at Calcutta or is pending for disposal before the Hon'ble Court.

3. Ld. Advocate draws my attention to the paragraph no i of the application under section 482 of the Bharatiya Nagarik Surakhsha Sanhita, 2023.

4. Ld. Public prosecutor submits that there is no indication in the case diary which goes to suggest that prayer for anticipatory bail for the accused/petitioner has either been rejected by the Hon'ble High Court or is pending before the Hon'ble Court for disposal.

5. Ld. Advocate for the accused/petitioner submits that the accused person is innocent and she has been falsely implicated in this case. He also submits that no such incident as alleged ever took place as described in the F.I.R and the accused/petitioner had no role in the alleged offence. He further submits that the petitioner lodged a complaint against Arup Kumar Das and she complied with the notice under Section 35(3) of B.N.S.S and she is cooperating with the investigation. In support of his contention, the ld lawyer for the petitioner files some documents along with firisti. Let the same be kept with the record. Hence, he prays for anticipatory bail on any condition.

6. Ld. Public Prosecutor in charge namely Sri Brajendra Nath Mazumder opposes the anticipatory bail prayer of this accused/petitioner.

7. I have carefully perused the F.I.R, contents of the case record as well as case diary particularly the statements of the witnesses recorded under section 180 of the Bharatiya Nagarik Suraksha Sanhita.

8. On careful perusal of the materials available in the case diary, I get to gather that the accusations levelled against the accused are grave and imbued with far-reaching societal ramifications disclosing a prima facie involvement of a considerable magnitude. Moreover, the possibility of the accused absconding and evading the due process of law cannot be ruled out, having regard to the nature of the offence alleged.

The manner in which the crime complained of was committed reveal the degree of deliberation and criminality which disentitles the accused from the discretionary relief of bail. The balance of convenience, the interest of society, and the imperative necessity of preserving the sanctity of investigation all weigh heavily against bail.

Considering the materials appearing in the case, I do not find any just cause to liberate the accused person on pre-arrest bail.

09. Accordingly, the prayer for anticipatory bail of the accused/petitioner namely **Smita Roy Chowdhury** stands rejected.

10. Case diary be returned at once.

11. Let a copy of this order along with the TCR be sent down to the Court concerned.

12. Misc. case is disposed of.

Dictated & Corrected by me.

Sessions Judge, North 24 Parganas, Barasat

Sessions Judge,

North 24 Parganas, Barasat