

Criminal Misc. Case No.2528 of 2026

Present: Sukumar Ray

J.O. CODE NO.WB00590.

Sessions Judge, North 24-Parganas

Order No. 02 dated 13.08.2026

1. In this criminal Misc. case under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the accused/petitioner namely, **Habibulla Gazi** who apprehends his arrest in connection with G.R no.3449 of 2026 arising out of Hingalganj Police Station case No.188/2026 dated 11.06.2026 under sections 316(2)/308(2)/318(2)/318(3)/303(2)/351(2)/61(2) 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 4 of the application under section 482 of the Bharatiya Nagarik Suraksha 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. Hence, he prays for anticipatory bail on any condition.

6. Ld. Public Prosecutor in charge namely Sri Satyajit Mallick opposes the anticipatory bail prayer of these 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. I have carefully perused the seizure list.

8. Considering the materials appearing in the case diary vis-a-vis the seizure list, I am of the view that custodial interrogation of the petitioner is not necessary.

09. Accordingly, the prayer for anticipatory bail of the accused/petitioner namely **Habibulla Gazi** stands allowed.

10. In the event of arrest, the accused/petitioner namely **Habibulla Gazi** be enlarged on bail of Rs.4,000/- with two sureties of Rs.2,000/- each of like amount, to the satisfaction of the Arresting Officer subject to the condition as enumerated in section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with a condition that he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.

11. Case diary be returned at once.

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

13. Misc. case is disposed of.

Dictated & Corrected by me.

Sessions Judge, North 24 Parganas, Barasat

Sessions Judge,

North 24 Parganas, Barasat