

Criminal Misc. Case No.2553 of 2026

Present: Sukumar Ray

J.O. CODE NO.WB00590.

Sessions Judge, North 24-Parganas

Order No. 03 dated 03.09.2026

1. In this criminal Misc. case under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the accused/petitioners namely, **Abdul Hamid Gazi, Madhab Biswas, Alambari Mondal, Mostakin Mondal, Selim Sardar @ Babusona** who apprehend their arrest in connection with G.R no. 4020 of 2026 arising out of Basirhat Police Station case No.559 of 2026 dated 04.07.2026 under sections 341/326/307/34 of I.P.C has come up with a prayer for grant of anticipatory bail.

2. At the very outset, Ld. Advocate for the accused/petitioners 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 paragraph no.iv 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/petitioners 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/petitioners submits that over the self same incident, the F.I.R was initiated by the brother of the present defacto complainant of this case. He further submits that the second F.I.R over the self same incident is impermissible in the eye of law. He further submits that the first F.I.R was culminated into chargesheet and the said case was pending before the Ld. Additional Sessions Judge, F.T.C. no.1, Basirhat for adjudication/trial. Hence, he prays for anticipatory bail on any condition.

6. Ld. Public Prosecutor in charge Sri Sankar Lal Das opposes the prayer for bail on the ground that there is direct and specific allegations against the accused/petitioners.

7. Ld. Advocate representing the defacto complainant by swearing an affidavit submits that if the accused be liberated on bail, he has no objection.

8. I have carefully perused the case diary particularly the statements of the witnesses recorded under section 180 of the Bharatiya Nagarik Suraksha Sanhita. I have carefully perused the documents submitted on behalf of the accused/petitioners.

9. On careful perusal of the documents submitted on behalf of the accused/petitioners, I get to gather that an F.I.R was lodged over the self same incident, but name of the accused is not reflected/mentioned in the said written complaint. It is admitted position that over the self same incident, two F.I.Rs were initiated over the incident dated 23.11.2020 and the second F.I.R was lodged on 04.07.2026 over the self same incident. It is trite law that second F.I.R over the self same incident is impermissible in the eye of law. Considering the materials appearing in the case diary and in view of the discussions made above, I am inclined to allow the prayer for bail.

10. Accordingly, the prayer for anticipatory bail of the accused/petitioners **Abdul Hamid Gazi, Madhab Biswas, Alambari Mondal, Mostakin Mondal, Selim Sardar @ Babusona** stands allowed.

11. In the event of arrest, the accused/petitioners namely **Abdul Hamid Gazi, Madhab Biswas, Alambari Mondal, Mostakin Mondal, Selim Sardar @ Babusona** be enlarged on bail of Rs.3,000/-each with two sureties of Rs.1,500/- 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 they shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.

12. Case diary be returned at once.

13. Let a copy of this order be sent down to the Court concerned.

14. Misc. case is disposed of.

Dictated & Corrected by me.

Sessions Judge,

North 24 Parganas, Barasat

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