

CMC 428 of 2026

Present:- Sri Sutirtha Banerjee
J.O Code : WB 00980
Additional Sessions Judge, Basirhat

Order No. 2 Dated 02/06/2026

This is an application u/s 483 of the BNSS filed on behalf of petitioner namely, Biswa Das @ Biswajit Das in connection with Swarupnagar P.S. Case No. 218 dated 18/05/2026 u/s – 448/341/323/325/307/354/427/506/34 of IPC vide G.R. no. 2486/2026 is taken up for hearing.

At the very outset, Learned Advocate for the petitioner submits before this Court that no application under section 482/483 BNSS with respect to this accused is pending/has been rejected by any superior Court. It is further submitted that accused has been falsely implicated in the case due to political vendetta and the incident complained of dates back to 2021. It is also submitted that this case is a counterblast of P.S. case No. 444/2021 lodged by wife of the de-facto complainant of this case. Prayer has been made to favour accused with an order of bail on any condition.

Ld. Public Prosecutor in charge raises formal objection.

Heard both sides. Considered. Perused the case diary.

Accused is F.I.R. named. Alleged incident dates back to 2021. After arrest accused not taken in police custody. No medical documents appears to have been collected by I.O. till date in support of alleged assault either. Nothing produced in support of alleged ransacking/assault.

I have traversed the entire gamut of this case and the materials exposted in the CD and after such exercise I find that confinement of the accused person in judicial custody is not an indispensable necessity for the unhindered investigation in the case especially when he was not taken in police custody since arrest and no injury report or medical document collected in support of alleged assault. Case diary shows no development as such. The accused person is in custody for a considerable period of time and sufficient opportunity has been given to the investigating officer to develop the probe.

Mere presence of prima-facie materials must not be the sole criteria of rejection of the bail prayer, especially when bail has been promulgated to be the rule and jail the exception. It is also apposite to add that detention at this stage is not punitive. There is no material to conclude that the accused person has propensity to win over the witnesses or tamper with the evidence if released on bail.

Hence based on the above delineations the prayer for bail stands allowed.

Accused may hence find interim bail of Rs. 2,000/- with one surety of like amount subject to satisfaction of Ld. A.C.J.M., Basirhat with further condition to

meet the I.O. of the case once a fortnight for next two months or till submission of charge-sheet whichever is earlier and not to commit and/or indulge in any act similar to the offence for which he has been indicted in this case and not directly or indirectly making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Ld. A.C.J.M., Basirhat shall be at liberty to confirm the interim bail after submission of charge-sheet subject to accused abiding by imposed conditions and in absence of any adverse report.

The G.R. case record along with a copy of order be sent to the Ld A.C.J.M., Basirhat at once.

CD be returned also.

The instant CMC is thus disposed of.

Dictated & corrected by me

Addl. Sessions Judge,Basirhat

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