

In the Court of Ld Additional Sessions Judge, Diamond Harbour, South 24 Parganas  
CMC 128 of 2026  
arising out of Falta PS Case No 42 of 2026  
GR No 469 of 2026  
u/s 115(2)/ 126(2)/ 109 of BNS, 2023  
State Vs Rajesh Sing

Order No 2  
05/03/2026

Today is fixed for hearing on the bail petition u/s 483 BNS filed on behalf of the accused person Rajesh Sing.

Ld Advocate for the accused/petitioner and the Ld. PP in charge both are present.

Record is taken up for hearing.

Heard Both sides.

CD produced.

At the very beginning Ld Advocate for the above-named accused petitioner submitted that no bail application is either filed or pending before any higher forum and that the accused is in custody since 18.02.2026 and in the meantime charge sheet has already been submitted. He further submitted that there is no element of section 109 of BNS, 2023 so far as the materials on record are concerned and as such the accused may be granted bail on any condition as would be deemed fit and proper by this court.

Ld. PP in-charge raised formal objection and left the matter with the discretion of this court submitting inter-alia that charge sheet has been submitted in this case within 10 days more or less.

As a matter of fact this is a case u/s 115(2)/ 126(2)/ 109 of BNS, 2023, in which charge sheet has already been submitted and the accused has been in custody since 18.02.2026 ie for about 21 days more or less. As per the case of the prosecution, the accused threw a piece of brick towards the victim which caused an injury on her head. Throwing a piece of brick with a view to assault anyone by itself negates the intention and knowledge of the accused to cause an injury likely to cause death. Therefore, prima facie ingredient u/s 109 of BNS, 2023 appears to be absent in this case. That being the position and specially considering the fact that there is nothing left for further investigation, I find no justification in further detention of the accused.

Hence, it is,

Ordered

that the application u/s 483 BNSS registered as CMC No 128/2026 is hereby allowed and accordingly disposed of.

The accused/petitioner may find an interim bail of Rs.3,000/- with two sureties of Rs.1,500/- each subject to the satisfaction of Ld. ACJM, Diamond Harbour with further condition that he shall appear before the Court of Ld. ACJM, Diamond Harbour on each and

every date until the process of commitment is complete and shall not intimidated the witnesses and shall comply with the provision of section 480 (3) of BNSS.

The interim bail shall remain in force till 16.04.2026.

Ld. ACJM, Diamond Harbour shall be at liberty to extend or confirm the interim bail and shall further be at liberty to modify any condition of the interim bail depending all the overall conduct of the accused.

Return the CD.

Let a copy of this order along with LCR be sent back to Ld. ACJM at Diamond Harbour for information and necessary action.

Dictated and corrected by me:

Sd/-

Dhiman Barman (WB00923)

Additional Sessions Judge(I.C)

Diamond Harbour, S. 24 Parganas

Sd/-

Dhiman Barman (WB00923)

Additional Sessions Judge(I.C)

Diamond Harbour, S. 24 Parganas