

**In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj**  
**Crl Misc Case No.309/2026**  
**CNR WBUD01-000611/2026**

**Present:- Sri Surajit Mandal (WB00993)**  
***Sessions Judge-in ch, Uttar Dinajpur at Raiganj***  
**02/10.03.2026**

This application for bail u/s 483 of B.N.S.S filed on behalf of present accused/petitioners **1. Rashid & 2. Md Najim** in connection with Kaliyaganj P.S. Case No.493/2025 dated 09.12.2025 vide GR 3185/2025 u/s 309(6)/312/109(1)/238(b)/324(5)/121(1)/351(2)/3(5) B.N.S r/w sec. 25/27 Arms Act & adding sec. 310(4)/317(3) B.N.S.S. is taken up for hearing.

Learned Advocate for the accused/petitioners by filing an affidavit submits that no such application u/s 483 of B.N.S.S is pending in this Court or before the Hon'ble Higher Courts prior to this application.

On query, Ld. Public Prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by Hon'ble Higher Courts.

Ld Advocate for the accused/petitioners submits that there is allegation in the FIR in respect of the accused persons of attempting to commit theft by breaking open an ATM machine. There is also allegation that when the ATM guard tried to raise alarm against the accused persons, they assaulted the ATM guard and committed theft of money from his possession. Ld Advocate further submitted that both the accused persons were arrested on 13.12.2025 and since then they are in custody. Both the accused persons were earlier taken into police custody and now, they are in J/C for quite a long time. Furthermore, charge sheet has already been filed against the accused persons. At this stage, further detention in custody is no more required as investigation is already over. Ld Advocate accordingly prayed for bail on any condition.

Ld Public Prosecutor submitted that during the PC period, recovery of arms used for the purpose of committing robbery and also the articles used for breaking open the ATM machine were recovered. Moreover, these accused persons were involved in an organized crime. Ld PP further submitted that if these accused persons are granted bail at this stage, there is every possibility that the accused persons shall abscond. Ld PP, accordingly, prayed for rejection of bail application.

I have heard both sides. I have perused the FIR and other relevant materials available in the case record. I have also perused the charge sheet.

On considering the relevant documents as available in the CD, it appears that there are sufficient ingredients from which, prima facie, the involvement of the accused persons in the alleged incident transpires.

(Contd....)

The allegations against the accused persons are of grave nature. They have been allegedly involved in the commission of organized crime and these accused persons seem to have nexus with other group of persons as appears from the documents available in the CD. The statements of witnesses recorded u/s 180 B.N.S.S show the alleged involvement of the accused persons.

I am of the considered view that if these accused persons are granted bail at this stage, there is every possibility that the accused persons shall abscond and shall try to evade trial of this case.

Having considered all such circumstances, at this stage, I am not inclined to allow the prayer for bail. Accordingly, prayer for bail u/s 483 B.N.S.S of accused/petitioners **1. Rashid & 2. Md Najim** stands **rejected**.

Thus, the Criminal Misc Case is disposed of accordingly. Return LCR & CD.

Let a copy of this order be sent to Ld C.J.M, Uttar Dinajpur for information and necessary action.

Dictd. & cortd.

S.J-in ch.

Sessions Judge-in ch, U/Dinajpur.