

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
CrI Misc Case No.380/2025
CNR WBUD01-000633/2025

Present:- Sri Partha Pratim Chakravorty(WB01277)
Sessions Judge, Uttar Dinajpur at Raiganj
02/07.03.2025

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioners **1. Somen Chandra Das @ Samen Das and 2. Ram Das** in connection with Itahar P.S. Case No.95/2025 dated 13.02.2025 vide GR 327/2025 u/s 126(2)/117(2)/109/3(5) of B.N.S is taken up for hearing.

Learned Advocate for the petitioners by filing an affidavit submits that no such application under section 482 of B.N.S.S is either rejected or 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.

At the very first instant, Ld Advocate for the accused/petitioners ventilates that the issue which is the fulcrum of the case of the prosecution, in the present case happens to be civil in nature and the instant case has emerged on account of a long standing animosity between the parties on the subject of transfer and possession of land. Moreover, it is also ventilated from the end of the accused/petitioners by the representing Ld Advocate that in the present case, the investigation has progressed to a considerable extent and on a meticulous appreciation of the facts and circumstance that hold primal significance to the present case, it can be safely deduced that at this juncture there is no eminent need to take these petitioners in custody. On the basis of aforesaid submission, Ld Lawyer for the accused/petitioners prays for anticipatory bail on any condition as the Ld Court may deem fit and proper.

Ld Chief PP opposes the prayer for anticipatory bail of the accused/petitioners and in course of his submission draws my attention to the documents that have surfaced in CD through investigation process till date including statement of witnesses recorded u/s 180 B.N.S.S. After making this exercise, Ld Chief PP leaves the adjudication of the instant anticipatory bail application to the discretion of Ld Court.

Heard the submissions advanced from both sides. Perused the materials that have surfaced in CD together with those present in LCR.

It is an admitted position that investigation in the instant case has progressed to a considerable extent and the medical report is not forthcoming in the CD. However, taking into account that already the investigation has reached a mature stage and the nature of allegations against the accused/petitioners do not come under the ambit of very serious and grave one. So, I think that at this moment an interim bail, if granted to these petitioners subject to some stringent condition, will subserve the need of justice. Accordingly, prayer for anticipatory bail u/s 482 of the BNSS is hereby considered and allowed on interim basis.

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Accused/Petitioners namely **1. Somen Chandra Das @ Samen Das and 2. Ram Das**, in the event of arrest, in connection with Itahar P.S. Case No.95/2025 dated 13.02.2025 vide GR 327/2025, be released on furnishing bail bond of Rs.5,000/- each with two sureties of Rs.2,500/- each, **out of which one must be local/cash**, subject to the satisfaction of the Arresting Officer. If on bail they will comply with the provisions of section 482(2) B.N.S.S, and with conditions:- **(1)** they will meet with IO once in a fortnight till submission of report in final form and **(2)** they will not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The aforesaid accused/petitioners must appear before this Court on 09.07.2025.

Put up the record on 09.07.2025.

IO of this case is directed to file a comprehensive report on the next date fixed about compliance of aforesaid conditions by the accused/petitioners.

O/C of Itahar PS is directed to ensure the compliance of the order by the IO.

Return LCR and CD with a direction to produce the same on the date fixed.

Let a copy of this order be sent to Ld C.J.M, Raiganj for information.

Let a copy of this order be sent to O/C, Itahar PS for compliance.

Dictd. & cortd.

S.J.

Sessions Judge, U/Dinajpur.