

**In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj**  
**Crl Misc Case No.332/2026**  
**CNR WBUD01-000659/2026**

**Present:- Sri Surajit Mandal (WB00993)**  
***Sessions Judge-in ch, Uttar Dinajpur at Raiganj***  
**02/12.03.2026**

This application for bail u/s 483 of B.N.S.S filed on behalf of present accused/petitioner **Rohit Agarwala @ Joy Agarwala** in connection with Raiganj P.S. Case No.1171/2025 dated 13.10.2025 vide GR 2637/2025 u/s 126(2)/115(2)/303(2)/109/3(5) B.N.S is taken up for hearing.

Learned Advocate for the accused/petitioner 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/petitioner submits that this accused has earlier applied for anticipatory bail u/s 482 B.N.S.S. However, such bail application was rejected. Thereafter on 09.02.2026, this accused surrendered in Court and since then he is in custody. Ld Advocate further submitted that there are verious types of allegations in the FIR brought against the accused. There is allegation of assault upon the victim that resulted in permanent disablement of the accused. However, on considering the present facts and circumstances, it would appear that there is no such material that would show that the accused has become permanently disabled. Ld Advocate further submitted that the accused is in custody for 32 days and during this period, the investigation has proceeded to a great extent. The accused is already performing his natural avocation. Ld Advocate further submitted that further detention of this accused in custody is not required in the interest of investigation. Ld Advocate further submitted that the primary allegation in this case is in respect of offence punishable u/s 109 B.N.S. Other sections are Magistrate triable in nature. Ld Advocate, accordingly, prayed for bail on any condition.

Ld Public Prosecutor raised objection and submitted that this is an incident of greivous assault upon the victim. There is injury report to show that the victim has sustained greivous injury. On last occasion, the prayer for bail of the accused was rejected. Ld PP, accordingly, prayed for rejection of bail application.

Ld Advocate for the de facto complainant raised objection and submitted that if this accused is granted bail at this stage, there is every possibility that he will tamper in the investigation. He will also influence witnesses. For such reason, prayer for bail should not be allowed.

(Contd....)

I have perused the FIR and other relevant documents available in the case record. Admittedly the allegation of assault is against this accused.

I have perused the CD including statement of witnesses recorded u/s 180 B.N.S.S. I have perused the medical documents of the victim which are available in the CD. It can be found from such medical documents that the victim has sustained fracture on the right femur bone.

Having considered entire facts, at this stage, I further take into consideration that this accused has been lodged in judicial custody for the last 32 days. The investigation has progressed to a good extent.

The only question that now remains is whether further detention of the accused in custody is required in the interest of effective investigation, or whether the release of the accused on bail may create any unfavourable circumstances that could prejudice the interests of the victim or the witnesses.

It seems that during the period of detention in custody, the police did not pray for any PC. Apart from his mere detention, there is no other factor that would persuade this Court to believe that custodial detention is necessary in the interest of investigation.

As I have come to the opinion that further custodial detention is not required in the interest of investigation, I am constrained to opine that there is no such material which would show that if this accused is granted bail at this stage, he will abscond or he will try to influence witnesses or influence in the process of investigation. Accordingly, prayer for bail u/s 483 B.N.S.S is hereby considered and allowed.

Accused/petitioner namely **Rohit Agarwala @ Joy Agarwala** may find bail of Rs.10,000/- with one surety of like amount, subject to the satisfaction of Ld C.J.M, Uttar Dinajpur at Raiganj and with condition that the accused shall meet the IO every alternative day till further orders. He shall not leave the jurisdiction of this Court without seeking prior approval and shall not try to influence the witnesses in any manner and shall co-operate with the investigation in every manner.

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.