

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.343/2026
CNR WBUD01-000690/2026

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
02/16.03.2026

This application for bail u/s 483 of B.N.S.S filed on behalf of present accused/petitioner **Md Imrul Hoque** in connection with Hemtabad P.S. Case No.50/2026 dated 10.02.2026 vide GR 380/2026 u/s 140(3)/64/3(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 was arrested on 26.02.2026 and since then he is in custody. This is a case where the primary allegation is in respect of offence punishable u/s 64 B.N.S. However, from the FIR, it would appear that there is no such material to attract the provision of sec.64 B.N.S. Ld Advocate further submitted that from the FIR it would become clear that the victim is a consenting party. She had voluntarily left with the accused and has stayed with him. Ld Advocate further submitted that this victim had left home and gone to a place in UP called Jamunanagar. She has voluntarily returned after some time. At that time she did not lodge any complaint. She lodged the complaint after about 2 ½ months of this alleged incident. Ld Advocate further submitted that there is no such material to attract the provision of sec.64 B.N.S. Ld Advocate, accordingly, prayed for bail on any condition.

Ld Public Prosecutor raised formal objection and left the matter to the discretion of the Court.

I have perused the FIR and other relevant documents available in the case record. From the FIR, it appears that there is allegation against this accused stating that he had kidnapped the victim along with FIR named accused no.2. The victim was taken to Jamunanagar in Uttar Pradesh on a motorbike, where the alleged offence was committed against her. The victim has alleged that this incident had taken place on 02.11.2025. From Jamunanagar, she however, managed to flee and returned home. It appears that this case was filed on 10.02.2026 which is a long time since the victim returned from Jamunanagar.

I have perused the CD including statement of witnesses recorded u/s 180 B.N.S.S. I have also perused the statement of victim recorded u/s 183 B.N.S.S.

(Contd....)

I have considered the present facts and circumstances. At this stage, it appears that the accused is in custody since 26.02.2026. The investigation has proceeded to a good extent. Having considered entire facts and circumstances, I am of the view that further detention of the accused in custody is not required in the interest of investigation. Accordingly, prayer for bail u/s 483 B.N.S.S is hereby considered and allowed.

Accused/petitioner namely **Md Imrul Hoque** may find bail of Rs.6,000/- with one surety of like amount, subject to the satisfaction of Ld C.J.M, Uttar Dinajpur at Raiganj.

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.