

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
CrI Misc Case No.356/2026
CNR WBUD01-000704/2026

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
02/18.03.2026

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioner **Jogodish Roy @ Jagadish Roy** in connection with Kaliyaganj P.S. Case No.155/2023 dated 21.04.2023 vide GR 838/2023 u/s 143/145/147/148/149/152/353/120B IPC r/w sec. 8 of West Bengal Maintenance of Public Order Act 1972 & adding sec. 3 of P.D.P.P Act is taken up for hearing.

Learned Advocate for the petitioner 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 the Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by the Hon'ble Higher Courts.

Ld Advocate for the petitioner submits that this is a case where allegation is made against group of persons forming a mob of about 200-300 people. It has been alleged that the police officers were restrained from performing their duty by the mob relating to a death of a girl. After completing investigation, police has already submitted charge sheet in this case. The offences are Magistrate triable in nature. After submission of charge sheet, arrest warrant was issued against some accused persons who were not on record. Thereafter, one accused Palash Barman was arrested. Ld Advocate further submitted that as the entire investigation is already over, at this stage, there is no requirement for detaining the petitioner in custody. Ld Advocate further submitted that even though W/A and WPA is pending against this petitioner, such warrant was issued after submission of charge sheet. The Hon'ble Apex Court has under similar circumstances allowed anticipatory bail to the accused persons. Simply because arrest warrant is pending, cannot be a ground to deny anticipatory bail to the accused persons. Ld Advocate referred to the decision of the Hon'ble Apex Court in Criminal Appeal No.4564 of 2024. In para 8, the Hon'ble Court has observed that coming to the consideration of anticipatory bail, in the event of the declaration under section 82 of the Cr.P.C, it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail. Ld Advocate accordingly prayed for anticipatory bail on any condition.

Ld Public Prosecutor raised objection and submitted that as WPA is pending against this petitioner, it is not a situation where anticipatory bail should be granted to the petitioner.

I have considered the entire facts and circumstances. I have also considered the fact that the investigation is already over.

(Contd....)

Simply because WPA is pending against the petitioner, should not be an embargo to consider his application for anticipatory bail. Accordingly, prayer for anticipatory bail u/s 482 of B.N.S.S is hereby considered and allowed.

Accused/Petitioner namely **Jogodish Roy @ Jagadish Roy**, in the event of arrest, in connection with Kaliyaganj P.S. Case No.155/2023 dated 21.04.2023 vide GR 838/2023, be released on furnishing bail bond of Rs.5,000/- with one surety of like amount, subject to the satisfaction of the Arresting Officer. If on bail he shall comply with the provisions of section 482(2) of B.N.S.S.

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