In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.439/2026
CNR WBUD01-000829/2026

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

02/30.03.2026

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioner **Abdul Malek** in connection with Chakulia P.S. Case No.20/2026 dated 15.01.2026 vide GR 119/2026 u/s 329(4)/324(4)/326(g)/109/117(2)/118(2)/303(2)/189(2)/61(2)/3(5) B.N.S 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 there is allegation u/s 109 B.N.S. In this case there is allegation of causing mischief. The allegations brought against the accused persons are all Magistrate triable in nature except sec.109 B.N.S. Ld Advocate further submitted that in this case, three accused persons were earlier arrested. They were taken into police custody. No fruitful result was achieved. Later those accused persons were granted bail. Other co-accused persons in this case are already on bail. Ld Advocate accordingly prayed for anticipatory bail on any condition.

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

Perused the FIR and other relevant documents available in the case record. Perused the CD including statement of witnesses recorded u/s 180 B.N.S.S. It appears that the primary allegation is political in nature.

Considering the CD, it appears that there are some statements of witnesses which mainly point towards causing mischief. I do not find any proper material to attract provision of sec.109 B.N.S.

Considering the fact that the investigation has progressed to a good extent, I am of the view that custodial detention of the petitioner is not necessary in the interest of the investigation. Accordingly, prayer for anticipatory bail u/s 482 of B.N.S.S is hereby considered and allowed.

(Contd….)

Accused/Petitioner namely **Abdul Malek,** in the event of arrest, in connection with Chakulia P.S. Case No.20/2026 dated 15.01.2026 vide GR 119/2026, be released on furnishing bail bond of Rs.6,000/- 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 A.C.J.M, Islampur for information and necessary action.

Dictd. & cortd.

S.J-in ch. Sessions Judge-in ch, U/Dinajpur.