

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.858/2026
CNR WBUD01-001512/2026

Present:- Sri Shubhankar Biswas (WB00918)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
05/10.07.2026

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioner **Tanay Das @ Sanking @ Sunking Das** in connection with Raiganj P.S. Case No.508/2026 dated 22.05.2026 vide GR 1230/2026 u/s 111/270/279/326(b)/351(1)/351(2) B.N.S r/w sec. 25(1)(a)/27 Arms Act & section 17A of West Bengal Inland Fisheries Act 1984 and section 4D of West Bengal Land Reforms Act 1955 is taken up for hearing.

LCR is available today. CD is not produced.

A message has been received from the I/C, Raiganj PS, intimating that the I.O. of this case has gone out of station in connection with the investigation of this case.

Ld Advocate for the petitioner submits that on the previous date as well, the CD was not produced by the IO and that the IO has intentionally failed to produce the same. He, therefore, prays for passing the necessary order.

It appears from the record that on previous occasion the concerned IO was directed to produce the CD in respect of this case and the date for production of CD was on 15.06.2026 and on 15.06.2026 the concerned IO did not produce the CD and accordingly, this Court further directed to IO to produce the CD positively on 29.06.2026 and on 29.06.2026, this Court passed an order directing the concerned IO to verify some documents as submitted by the accused person and next date was fixed on 08.07.2026 and on 08.07.2026 the concerned IO did not comply the order of this Court by producing the CD or any report as directed and accordingly, the concerned IO was further directed to be present personally along with report in view of order no.3 dated 19.06.2026 and date of hearing and direction of CD and report has been fixed today, ie on 10.07.2026. But the concerned IO did not appear before this Court and even did not produce the CD and surprisingly, two dates have been given to the IO where the concerned I/C of the concerned PS took some plea that concerned IO has been engaged in law and order duty and has gone to the PO for investigation.

It is pertinent to mention here that citing engagement with law and order duty and engagement in the investigation without complying the order of this Court is not tenable as observed by the Hon'ble Apex Court in cantina of Judgement.

The role of the Investigating Officer is paramount one in a criminal justice system and it largely hinges on the alertness efficiency of the Investigating Officer in the interest of investigation. The more incompetent and inefficient Investigating Officer may ensue devastating result in the criminal investigation. So, fate of investigation also depends upon the competency of the Investigating Officer.

(Contd....)

From the conduct of the concerned IO in this case, I find some reluctance and some incompetency and for that reason he failed to produce the CD rather failed to comply the direction of this Court and if the accused/petitioner reap any benefit in respect of consideration of bail for non-production of CD, the concerned IO will be held responsible for that.

Therefore, this IO should be viewed seriously. The reason for non production of the CD is not satisfactory as the Investigating Officer flouted the order of this Court citing the reason that he is engaged in law and order duty and investigation of this case.

Hence, **he is directed to appear in person along with CD, report and file show cause as to why the appropriate proceeding shall not be drawn or recommended before the appropriate authority for non-compliance of the Court's order.**

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

Fix **13.07.2026** for hearing and show cause.

Let a copy of this order be sent to the Superintended of Police, Raiganj Police District for information and taking necessary action.

Another copy of this order be also sent to IO for compliance.

Dictd. & cortd.

S.J-in ch.

Sessions Judge-in ch, U/Dinajpur.