

Criminal Misc. Case – 673 / 2026
C.N.R.No. - WBJP01-001887-2026

Order No. 05 dated 17.07.2026.

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Mahadeb Kumar Sarkar, praying for bail in connection with Malbazar P.S. Case No.200/2026 dated 19.05.2026, u/s-85/103(1)/3(5) of B.N.S., corresponding to PTN No.WBJP02P002890/2026 is taken up for hearing.

Ld. Lawyer for the accused-petitioner submits that no bail petition has ever been filed in connection with this case before any higher Court on any earlier occasion and an affidavit has also been filed on behalf of the accused-petitioner in support of such contention by the Ld. Defence Lawyer and the Ld. Public Prosecutor, Jalpaiguri concedes to the fact as submitted by the Ld. Defence lawyer.

It is a case of the accused-petitioner that he has been falsely implicated in this case out of personal grudge and vendetta and misunderstanding. It has been also contended that this accused-petitioner has not been involved in any kind of incident as allegedly narrated in the written complaint. It has been further contended that this accused-petitioner is in custody for about 57 days since 20.05.2026 and since his arrest no constructive development of investigation has yet been attained. Considering the present facts and circumstances of the case, the accused-petitioner may be enlarged on bail subject to any condition with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State has submitted that it is a case under section 103(1) of B.N.S. and also under section 85 of B.N.S. However, he has submitted that investigation has not yet been completed and he has prayed for passing necessary order.

Ld. Advocate appearing on behalf of the defacto complainant has raised strong objection against the prayer for bail.

Heard both the sides.

Perused the materials on record and C.D. Considered.

Upon perusal of the T.C.R. and the C.D. as submitted by the Ld. Public Prosecutor, Jalpaiguri, and also after going through the record including the F.I.R., written complaint and other incriminating materials in the C.D. including the inquest report, P.M. report etc. and the documents as submitted on behalf of the defacto complainant and considering the submissions of the Ld. Advocate for the accused-petitioner and Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State and the Ld. Advocate appearing on behalf of the defacto complainant, it appears to this Court that there was allegation of both mental and physical torture upon the victim by this accused-petitioner along with other in-laws since after 6 months of their marriage and she was allegedly murdered by them. Considering the present facts and circumstances of the case and considering the stages of investigation, at this stage, this court does not find any justification to enlarge the accused-petitioner on bail.

Hence, it is

ORDERED

that the instant bail application filed by the accused-petitioner, namely, Mahadeb Kumar Sarkar in connection to the above referred case, stands **rejected**.

Send a copy of this order along with T.C.R. to the learned Chief Judicial Magistrate, Jalpaiguri, for information and taking necessary action.

Return C.D.

Thus, the Criminal Misc. Case is disposed of.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
(WB01135)

Sessions Judge, Jalpaiguri
(WB01135)