

Criminal Misc. Case – 538 of 2026
C.N.R. No. WBJP01-001561-2026

Order No. 06, dated – 19.06.2026,

At the outset of hearing Ld. Advocate for the accused-petitioners not pressed the prayer for anticipatory bail of the accused-petitioners namely No. 1. Debasis Roy, 2. Dulal Roy and 5. Dipankar Chakraborty. Accordingly, the prayer for anticipatory bail of the accused-petitioners namely No. 1. Debasis Roy, 2. Dulal Roy and 5. Dipankar Chakraborty stands **rejected being not pressed.**

Now the application u/s 482 of B.N.S.S. filed by the accused-petitioners, namely, 3. Rina Roy and 4. Mam Chakraborty @ Roy, praying for anticipatory bail in connection with Kotwali P.S. Case No.182/2026 dated 21.04.2026 u/s-105/3(5) of the B.N.S., is taken up for hearing.

Ld. Lawyer for the accused-petitioners submitted 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-petitioners in support of such contention by the Ld. Defence Lawyer and the Ld. P.P, Jalpaiguri conceded to the fact as submitted by the Ld. Defence lawyer.

It is a case of the accused-petitioners that they have been falsely implicated in this case out of personal grudge and vendetta and misunderstanding. It has been also contended that these two accused-petitioners being female one, they had no role to play in the alleged offence as narrated in the written complaint. Considering the present facts and circumstances of the case, the accused-petitioners may be granted with anticipatory bail subject to any condition and with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing for the State has submitted that the statements of several witnesses have been recorded by the Ld. Judicial Magistrate under section 183 of BNSS and postmortem report is lying in the C.D. which will speak for itself regarding the nature of death. However, he has submitted for passing necessary order.

Ld. Lawyer on behalf of the defacto complainant appears by filing fresh Vakalatnama along with a petition and raised objection against the prayer for anticipatory bail.

Heard both the sides.

Perused the T.C.R and the case diary. 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 written complaint, F.I.R and other incriminating materials lying in the C.D. i.e. Statement of the witnesses recorded under Section 183 of BNSS by the Ld. Judicial Magistrate etc and considering the submissions of the Ld. Advocate for the accused-petitioners and the Ld. Public Prosecutor, Jalpaiguri appearing on behalf of the State, it appears to this Court that there was an allegation of having role of these accused-petitioners in death of the son of the complainant, as he died due to electrocution at the time of performing his job as entrusted by the accused-petitioners and their associates.

However, considering the present facts and circumstances of this case and the stages of investigation, at this stage, this Court does not find any justification for custodial interrogation of these accused-petitioners No.3 & 4 being female one. Accordingly, this Court is inclined to allow the prayer for anticipatory bail subject to certain conditions.

Hence, it is

ORDERED

that the instant anticipatory bail application filed by the above-named accused-petitioners No. 3 & 4 stands allowed.

Accordingly, this Court directs that in the event of arrest, the accused-petitioners, namely, 3. Rina Roy and 4. Mam Chakraborty @ Roy, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two (2) sureties of Rs.5000/- each, subject to the satisfaction of the arresting officer, subject to the compliance of the condition as laid down in sub-section (2) of Section 482 of B.N.S.S. and on further condition that the accused-petitioners No. 3 & 4 shall cooperate with the investigation as and when required. However, since the accused-petitioners No. 3 & 4 being female one, they should not be call on at the P.S. without presence of any female police officer at the P.S.

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,