

IN THE COURT OF SESSIONS JUDGE, BANKURA

Present : Mir Rashid Ali (WB00701),
District & Sessions Judge, Bankura

Reg. no. Criminal Misc Application 196 /2026

CNR no. WBBK01-000534-2026

Filing No. Cr. Misc 341 / 2026

Order No. 03

25.03.2026

The application u/s 482 of B.N.S.S. filed on behalf of the petitioners/accused, namely, 1.Rimpa Koley (Sarkar) and 2.Dipak Koley in connection with Kotulpur P.S. Case No. 390/ 2025 dt. 02.12.2025 u/s 108/351(2)/3(5) of B.N.S. is taken up for hearing.

Ld. Advocate for the petitioners/accuseds no.3 submitted that he does not want to press the bail petition on behalf of Jhuma Koley. Ld. Advocate endorsed 'not pressed' in respect of petitioner no.3. The bail petition on behalf of petitioner no.3 is accordingly disposed of.

TCR is received. C.D. is also produced.

Heard the Ld. Lawyer for the petitioners/accuseds namely, 1.Rimpa Koley (Sarkar) and 2.Dipak Koley.

Heard the Ld. Public Prosecutor.

Ld. Advocate for the petitioners/accuseds has submitted that no bail petition is pending before the Hon'ble High Court, Calcutta.

An affidavit has been filed on behalf of the petitioners/accuseds swearing that no application u/s 482 of the BNSS has been filed before the Hon'ble Court.

It is found upon perusal of the affidavit, duly furnished on behalf of the petitioner/accused, that no case is pending before the Hon'ble High Court in connection with the present case.

Ld. Advocate for the petitioners/accuseds has submitted that the petitioner/accuseds are innocent and has falsely been implicated in this case.

It is submitted by the Ld. Lawyer on behalf of the accused / petitioners that the petitioner no.1 has a suckling baby whereas the petitioner no.2 is a senior citizen.

It is also submitted that the deceased was none but an ex-army man and being the member of the force, he cannot be subjected to the instigation which is against their custom and discipline.

It is further submitted that the defacto complaint initiated the criminal investigation by way of application u/S 173(4) of BNSS after a month.

It is also submitted that the de-facto complainant has admitted in his FIR that the petitioner no.1 was very much present at the funeral ceremony of the deceased.

It is further submitted that the present complaint has been motivatedly filed to evade the maintenance application which could have been filed by the accused / wife.

Thus, Ld. Advocate has prayed for anticipatory bail on any terms and condition as this court may deem fit and proper.

Ld. Public Prosecutor opposed the prayer for bail at the initial stage of investigation.

Perused the record and overall perusal of the materials in the C.D.

Considered.

It is found that the petitioner no.1 has a suckling baby. It is also found that the petitioner no.2 is a senior citizen.

Cont'd...

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On overall perusal of the FIR (173 BNS), I do not find any element of immediate instigation. The medical report as collected by the I.O., is not inspiring to detain the accused / petitioners for the sake of investigation.

Hence,

Ordered

that prayer for anticipatory bail is allowed on condition.

In the event of arrest, petitioners/accuseds shall be released on bail upon furnishing a bond of Rs.4,000/- each with two registered sureties of Rs. 2,000/- each subject to the satisfaction of Ld. ACJM, Bishnupur, on condition that after release on bail, they shall strictly comply with the provision u/s 482(2) of B.N.S.S. and with a condition to surrender before Ld. ACJM, Bishnupur within 15 days from the date of this order for regular bail which shall be considered by Ld. ACJM, Bishnupur u/s 480 of B.N.S.S. and on further condition that 1. to meet the I.O. as and when called for. 2. no tamper and hamper with the evidence.

Return the C.D.

The Criminal Misc. Application is thus disposed of.

Let a copy of this order along with the TCR be sent to the Ld. ACJM, Bishnupur at once.

Dictated and corrected by me

Sd/- Mir Rashid Ali

Sessions Judge, Bankura

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