

IN THE COURT OF SESSIONS JUDGE, BANKURA

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

Reg. no. Criminal Misc Application 391/2026

CNR no. WBBK01-001137-2026

Filing No. Cr. Misc 733/2026

Order No. 3

11.06.2026

The application u/s 482 of B.N.S.S. filed on behalf of the petitioners/accused, namely, 1. Tota @ Jibananesha Khatun and 2. Nijma Sekh @ Sekh Ajij in connection with Patrasayer P.S. Case No. 90/2026 dt. 04.04.2026 u/s. 103(1)/238/3(5) of B.N.S. is taken up for hearing.

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

Heard the Ld. Lawyer for the petitioners/accused namely, 1. Tota @ Jibananesha Khatun and 2. Nijma Sekh @ Sekh Ajij.

Heard the Ld. Public Prosecutor.

Ld. Advocate for the petitioners/accused 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/accused 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 petitioners/accused, that no case is pending before the Hon'ble High Court in connection with the present case.

Ld. Advocate for the petitioners/accused has submitted that the petitioners/accused are innocent.

It is submitted that out of grudge and animosity, the defacto complainant filed this false case against the petitioners/accused.

It is specifically submitted that the petitioners/accused have been falsely implicated by the father of the deceased.

It is also submitted that there is delay of nearly 20 days in lodging FIR which itself indicates that the contained of the FIR is manufactured and afterthought.

It is further submitted that the allegation as made out by the defacto is wild and is not supporting the facts and circumstances.

Ld. Advocate also submits that there is no attempt of instigation or active participation on behalf of the petitioners/accused and more precisely, the accused/petitioner no. 1.

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

On the other hand, Ld. Public Prosecutor opposed the prayer for bail and draws attention of the court to the statement recorded by vital witnesses and also my attention is drawn to the inquest and postmortem report.

Perused the written complaint, formal FIR, L.C.R., C.D., inquest and postmortem report.

The postmortem report, rather gives indication to a different theory.

Considered.

On overall perusal of the documents as collected, I am of the view that allegation as made out in the FIR is missing the core area.

I also do not find any active act of instigation on behalf of the petitioner no. 1 as perceived on overall perusal of the C.D.

Continuing...

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The delay in lodging FIR is not properly explained by the defacto complainant.

I am of the view that liberty of the present petitioners/accused cannot be jeopardized on the basis of case as made out by the defacto complainant.

I further feel that custodial detention is not required for the sake of investigation.

Justice could be substantiated if the petitioners/accused be released on bail on suitable terms and conditions.

Hence,

Ordered

that prayer for anticipatory bail is allowed on condition.

In the event of arrest, petitioners/accused 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 r u/s 480 of B.N.S.S. on further condition:

1. that the petitioners/accused shall cooperate with the investigation and
2. petitioners/accused shall meet the I.O. as and when called for till submission of report in final form and
3. shall not tamper the evidence or hamper the witnesses and
4. shall not threat the defacto complainant or witnesses in any manner whatsoever and
5. shall not create hindrance during investigation.

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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