

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

Present : **Sri Nirvan Khesong,**
 Sessions Judge,
 Cooch Behar.
 J.O. Code WB00662

Bail Petition No. 241 / 2026
CNR No. WBCB01-000455-2026

Order No. 3,
dated 20/03/2026

In the present application, the accused / petitioner namely **Majidul Haque** has filed an application under section 438 of the Criminal Procedure Code for granting anticipatory bail in connection with Tufanganj P.S. Case No. 43 of 2019 dated 04/02/2019 under section 186, 188, 332, 333, 353, 506, 34 of the Indian Penal Code, corresponding to G.R. Case No. 53 of 2019.

Ld. Advocates for the contesting parties are present.

Case Record of the Ld. Trial Court and Case Diary have been produced.

So, the Bail Petition is taken up for hearing.

By swearing affidavit, it has been stated in the bail application by the accused / petitioner that prior to filing of the present application, he did not file any application under section 438 of the Criminal Procedure Code or under section 482 of the B.N.S.S. before the Hon'ble High Court or any other superior Court, and no such application is pending or there is no rejection of such prayer by the Hon'ble Court. Learned Public Prosecutor-in-charge contends that there is no indication in the Case Diary in disputing the aforesaid facts.

Heard Ld. Advocate for the accused / petitioner who submits that the present accused / petitioner is innocent and he has been falsely implicated in this case. Ld. Advocate further submits that custodial interrogation of this accused / petitioner may not be required as in this case charge sheet has already been submitted and all other co-accused persons are on bail. So, he prays for bail of the present accused / petitioner on any condition.

Ld. Public Prosecutor-in-charge has opposed the prayer referring to the statements of the witnesses recorded under section 161 Cr.P.C. and other materials in the Case Diary. He also submits that in this case charge sheet has already been submitted.

Perused the Case Diary and other material on record.

On perusal of the Case Diary and Case Record, I find that after completion of investigation, charge sheet has already been submitted against this accused / petitioner along with other co-accused persons under section 186, 188, 332, 333, 353, 506, 34 of the Indian Penal Code and all other co-accused persons are already on bail.

Considering the materials in the Case Diary and the fact of submission of charge sheet after completion of investigation, I do not think that custodial trial of this accused / petitioner is necessary. Accordingly, I am inclined to allow the prayer for bail of the present accused / petitioner under section 438 of the Criminal Procedure Code.

Hence, prayer for anticipatory bail of the accused / petitioner is **allowed**.

(Contd.....)

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In the event of arrest, the accused / petitioner namely **Majidul Haque** may find bail of ₹ 4,000/- with two registered sureties of ₹ 2,000/- each to the satisfaction of the Ld. A.C.J.M., Tufanganj subject to fulfillment of the conditions as enumerated in Section 438 (2) of the Indian Penal Code corresponding to section 482 (2) of the B.N.S.S.

Thus, the bail petition is disposed of.

Case Diary and the Case Record of the Ld. Trial Court be returned at once.

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar