

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 296 / 2026
CNR No. WBCB01-000533-2026

Order No. 3,
dated 25/03/2026

In the present application, the accused petitioner namely **Biswajit Modak** has filed an application under section 483 of the Bharatiya Nagarik Suraksha Sanhita praying for bail in connection with Sadar Women P.S. Case No. 32 / 2026 dated 24/02/2026, under section 85, 75(2), 64(1), 62, 324(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 280 of 2026.

Learned advocates for the contesting parties are present.

Case Record of the learned 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 483 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 petitioner who submits that the accused petitioner is the husband of the complainant. He is innocent and he has been falsely implicated in this case with some false allegations and the main allegation is against her elder brother-in-law. Ld. Advocate further submits that the accused petitioner is in custody since 25/02/2026. Considering the period of detention, Ld. Advocate prays for bail of the petitioner on any condition.

Ld. Public Prosecutor-in-charge draws my attention to the statement of the victim lady recorded under section 183 of the B.N.S.S., medical documents and other materials in the Case Diary and has vehemently opposed the prayer.

Perused the Case Diary and other material on record.

(Contd....)

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On perusal of the Case Record and statement under section 183 of the B.N.S.S. of the victim lady, I find that there is allegation of physical torture by this accused person and the allegation of attempt to commit rape is against her brother-in-law namely Tapan Modak. Moreover, this accused persons has been in custody for almost one month.

Considering the nature of offence and the period of detention, I am inclined to allow the prayer for bail of the petitioner under section 483 of the Bharatiya Nagarik Suraksha Sanhita.

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

The accused petitioner namely **Biswajit Modak** may find bail of ₹ 5,000/- with two registered sureties of ₹ 2,500/- each subject to the satisfaction of learned Chief Judicial Magistrate, Cooch Behar in default to Judicial Custody.

Thus, the bail petition is disposed of.

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

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar