

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 322 / 2026
CNR No. WBCB01-000565-2026

Order No. 3,
dated 19/03/2026

In the present application, the accused / petitioner namely **Hriday Barman** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Pundibari P.S. Case No. 955 of 2024 dated 12/11/2024 under section 69, 77, 308(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 2198 of 2024.

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 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 though his previous bail application was rejected by this Court prior to filing of charge. 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 accused / petitioner is completely innocent and he has been falsely implicated in this case. Ld. Advocate further submits that the victim is major. There was love affairs between the victim and the petitioner herein and the victim was the consenting party to have sexual intercourse with the petitioner, if occurred. He further submits that in this case charge sheet has already been submitted and other two co-accused persons are already on bail. So, bail may be granted to the present accused / petitioner on any condition.

Ld. Public Prosecutor-in-charge draws my attention to the page No. 32 of the C.D., medical document of the victim, her statement recorded under section 183 of the B.N.S.S. and other materials in the Case Diary and has opposed the prayer.

Perused the Case Diary and other material on record.

On perusal of the Case Diary, especially the statement made by the victim girl under section 183 of the B.N.S.S., I find that this accused petitioner is the principal accused who has committed the alleged offence of rape upon the victim.

(Contd.....)

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In the Case Diary, I find sufficient materials showing his involvement in the commission of the alleged offence under section 69 of the B.N.S. Moreover, the charge sheet has already been submitted in this case under section 69, 77, 308(2), 3(5) of the B.N.S.

Now, considering the fact of submission of charge sheet against the accused inter-alia under section 69 of the B.N.S. and also considering the gravity of the offence and materials in the Case Diary, I am not inclined to grant bail to this accused / petitioner under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner is considered and **rejected**.

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