

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 331 / 2026
CNR No. WBCB01-000577-2026

Order No. 4,
dated 10/04/2026

In the present application, the accused / petitioner namely **Asim Dutta** has filed an application under section 483 of the Bharatiya Nagarik Suraksha Sanhita praying for bail in connection with Kotwali P.S. Case No. 91 / 2026 dated 04/02/2026, under section 108 of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 170 of 2026.

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 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 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 the husband of the deceased victim. He is completely innocent and allegations brought against him and other accused persons are out and out false. Ld. Advocate further submits that this accused / petitioner was arrested and produced before Court on 05/02/2026 and since then he is in custody for last 64 days after expiry of statutory period of 60 days. Considering the facts discussed above, Ld. Advocate prays for bail of the accused / petitioner on any condition.

Ld. Public Prosecutor has produced the Case Diary and leaves the matter to the discretion of this Court.

Perused the Case Diary and other materials on record.

It appears from the Case Record that the accused / petitioner has been in the custody for last 64 days i.e. since 05/02/2026 and the charge sheet has not yet been submitted by the I.O. after expiry of statutory period of 60 days.

Considering the expiry of statutory period of 60 days and since charge sheet has not yet been submitted, I am of the view that the accused / petitioner is entitled to get statutory bail and as such, I am inclined to allow the prayer for bail of the accused / petitioner under section 483 of the B.N.S.S.

(Contd....)

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

Accordingly, the accused / petitioner namely **Asim Dutta** may find bail of ₹ 5,000/- with two registered sureties of ₹ 2,500/- each subject to the satisfaction of Ld. 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 Ld. Trial Court be returned at once.

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar