

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 336 / 2026
CNR No. WBCB01-000582-2026

Order No. 2,
dated 02/04/2026

In the present application, the accused / petitioner namely **Omar Faruque** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Sadar Women P.S. Case No. 09 of 2026 dated 19/01/2026 under section 127(3), 69, 79, 115(2), 49 of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 79 of 2026.

Ld. Advocates for the contesting parties are present.

The defacto complainant appeared by filing a fresh Vokatnama. She also filed a petition raising objection in granting bail to the accused / petitioner.

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 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 submits that the accused / petitioner is an employee of Assam Rifles and other two co-accused persons are already on bail. He further submits though there was a love and affection between the parties but no such incident had allegedly occurred at the behest of the petitioner herein which may attract the offence punishable under section 69 of the B.N.S. Moreover, charge sheet has already been submitted in this case. So, bail may be granted to the present accused / petitioner on any condition.

Ld. Public Prosecutor draws my attention to the statement of the victim recorded under section 183 of the B.N.S.S. and other materials in the Case Diary and has opposed the prayer. He also submits that in this case charge sheet has already been submitted.

The de facto complainant is present before this Court today along with her Ld. Advocate and raised strong objection against the bail petition filed by the accused / petitioner.

Perused the Case Diary and other material on record.

On perusal of the Case Diary and Case Record, I find that charge sheet has already been submitted by the I.O. against the accused persons inter-alia under section 69 of the

(Contd.....)

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B.N.S. after completion of investigation and there are sufficient materials present against the present accused / petitioner showing his involvement in the commission of the alleged offence.

Considering the gravity of the offence and the fact of submission of charge sheet by the I.O., I am not inclined to grant bail under section 482 of the B.N.S.S. in favour of this accused / petitioner.

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.

Vokalatnama and the objection petition filed on behalf of complainant be kept with the record.

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar