

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 856 / 2026
CNR No. WBCB01-001420-2026

Order No. 2,
dated 24/06/2026

In the present application, the accused / petitioners namely **1) Sarala Bagchi** and **2) Sumangal Bagchi** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Pundibari P.S. Case No. 346 / 2026 dated 16/05/2026, under section 85, 115(2), 117(2), 109, 3(5) of the Bharatiya Nyaya Sanhita read with section 3/4 of D.P. Act corresponding to G.R. Case No. 797 of 2026.

Ld. Advocates for the contesting parties are present.

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

At this stage, Ld. Advocate appearing on behalf of accused / petitioners submits that he will not press the application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita in respect of accused / petitioner No. 2 **Sumangal Bagchi** which has not been opposed by the Ld. Public Prosecutor. An endorsement to that effect has been made on the application by the Ld. Advocate appearing on behalf of accused / petitioners.

Hence, prayer for anticipatory bail in respect of the petitioner No. 2 **Sumangal Bagchi** is **rejected as not pressed.**

So, the Bail Petition is taken up for hearing only in respect of accused / petitioner No. 1.

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. 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 present accused / petitioner No.1 is innocent and she has been falsely implicated in this case. Ld. Advocate further submits that the petitioner No.2 is the mother of the principal accused and the main allegation is against the husband of the victim i.e. the principal accused. So, bail may be granted to the present accused / petitioner No.1 on any condition.

Ld. Public Prosecutor has opposed the prayer referring to the statement of the witnesses made under section 180 of the B.N.S.S. and the injury report of the victim available in the Case Diary.

Perused the Case Diary and other material on record.

(Contd....)

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Considering the materials in the Case Diary, I find that the petitioner No.1 is the mother of the principal accused person and there is no direct allegation of assault and attempt to murder against her. All the allegations are made by the de facto complainant against the principal accused Sumangal Bagchi.

Since there is no direct allegation against this accused person and she is the mother of the principal accused person, I am of the opinion that the custodial interrogation of the accused / petitioner No. 1 is not necessary and as such, I am inclined to grant anticipatory bail in favour of the accused / petitioner No. 1 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 is **allowed**.

In the event of arrest, the accused / petitioner No. 1 namely **Sarala Bagchi** may find bail of ₹ 5,000/- with two registered sureties of ₹ 2,500/- each to the satisfaction of the Arresting Officer subject to fulfillment of the conditions as enumerated in 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