

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 879 / 2026
CNR No. WBCB01-001447-2026

Order No. 2,
dated 08/06/2026

In the present application, the accused / petitioners namely **1) Rithik Dube** and **2) Koushalya Dube** have 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. 96 of 2026 dated 25/05/2026 under section 85, 109, 351(2), 49 of the Bharatiya Nyaya Sanhita read with section 3/4 of the D.P. Act, corresponding to G.R. Case No. 901 of 2026.

Ld. Advocates for the contesting parties are present.

Case Diary and Case Record of the Ld. Trial Court 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 / petitioners that prior to filing of the present application, they 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 / petitioners who submits that in this case the main allegation is against the husband of the victim who is in custody. Present accused / petitioners are in-laws of the victim. They are innocent and merely being in-laws of the victim, they have been falsely implicated in this case and no such incident had occurred at the behest of any of the petitioners herein which may attract the offence under section 109 of the B.N.S. Moreover, the matter has been amicably settled between the parties out of court and now the victim is residing peacefully at her matrimonial house. So, bail may be granted to the present accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the injury report and photographs of the victim, her statement made under section 180 of the B.N.S.S. and other materials in the Case Diary and has opposed the prayer.

The de facto complainant is personally present today before this Court along with her Ld. Advocate and submitted that she has settled the dispute with the accused persons and now she has been residing with the accused persons at her matrimonial house and she has no objection, if the accused / petitioners are given anticipatory bail by this Court.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary, I find there is no direct allegation of assault and attempt to commit murder against these accused persons who are the brother and mother of the principal accused person. Moreover, the victim submitted that she has been residing with these accused persons at present.

(Contd....)

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Considering the above facts, I am of the opinion that custodial interrogation of these accused / petitioners is not necessary and as such, I am inclined to allow the prayer for bail of the accused / petitioners under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of both the accused / petitioners is **allowed**.

In the event of arrest, the accused / petitioners namely **1) Rithik Dube** and **2) Koushalya Dube** may find bail of ₹ 4,000/- each with two registered sureties of ₹ 2,000/- 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.

Vokalatnama and the compromise 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