

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

**Bail Petition No. 983 / 2026
CNR No. WBCB01-001587-2026**

**Order No. 2,
dated 01/07/2026**

In the present application, the accused / petitioners namely **1) Mangal Sarkar @ Kalan** and **2) Sanjay Debnath** have filed an application under section 438 of the Criminal Procedure Code, corresponding to section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Kotwali P.S. Case No. 553 of 2026 dated 10/06/2026 under section 448, 427, 323, 325, 379, 506, 34 of the Indian Penal Code, corresponding to G.R. Case No. 1060 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 438 Cr.P.C. or 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 these accused / petitioners are completely innocent. They were no-way involved with the offence as alleged and out of grudge with regard to political dispute, this case has been filed implicating the accused / petitioners with some false allegations. More over the complaint has been lodged after about four years without any justifiable explanation for causing such delay. So, he prays for bail of these accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to statement of the complainant as well as victim made under section 180 of the B.N.S.S. appearing at page Nos. 9, 11 and other materials available in the Case Diary and has opposed the prayer.

Perused the Case Diary and other materials on record.

Considering the materials in the Case Diary and on perusal of the FIR, I find that the alleged incident took place in the year 2022 and the allegation against these accused / petitioners is that they came in the house of the de facto complainant being armed with deadly weapons and assaulted the victims causing injuries on their person and they also ransacked the household articles of the de facto complainant. However, there is no injury report in the Case Diary nor there is any seizure of any damaged articles from the place of occurrence.

Since the alleged incident took place about 4 years ago and there is no injury report and seizure list as alleged by the prosecution, I am of the opinion that custodial

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interrogation of these two accused / petitioners is not necessary and as such, I am inclined to grant anticipatory bail to these accused / petitioners under section 438 Cr.P.C. corresponding to 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) Mangal Sarkar @ Kalan** and **2) Sanjay Debnath** may find bail of ₹ 5,000/- each 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 438(2) Cr.P.C. corresponding to section 482 (2) of the B.N.S.S.

In addition to this, the accused / petitioners are also directed to meet the I.O. once in a week till submission of charge sheet.

Thus, the bail petition is disposed of.

Case Diary and 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