

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

**Bail Petition No. 982 / 2026
CNR No. WBCB01-001586-2026**

**Order No. 3,
dated 17/07/2026**

In the present application, the accused / petitioner namely **Kumaresh Bhowmik @ Pintu** has filed an application under section 438 Cr.P.C., corresponding to section 482 of the B.N.S.S. for granting anticipatory bail in connection with Kotwali P.S. Case No. 497 of 2026 dated 31/05/2026 under section 143, 448, 427, 379, 506 of the Indian Penal Code, corresponding to G.R. Case No. 944 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 / petitioner that prior to filing of the present application, he did not file any application under section 438 Cr.P.C., corresponding to 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 is completely innocent. He was no-way involved with the offence as alleged and out of grudge with regard to political dispute, this case has been filed implicating this accused / petitioner along with other accused persons with some false allegations. More over the complaint has been lodged belatedly after about five years without any justifiable explanation for causing such delay. So, he prays for bail of the accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the statement of the complainant and other witnesses made under section 180 of the B.N.S.S. available in the Case Diary and other materials available therein 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 2021 and the allegation against this accused / petitioner is that this accused / petitioner and other accused persons entered into the house of the defacto complainant, damaged his house and shop and also looted away ₹ 8,000/- from his said shop. However, there is no seizure of any damaged articles or looted cash amount in the Case Diary.

Since, the alleged incident took place about five years ago and there is no seizure of any cash amount or damaged articles, I am of the opinion that custodial interrogation of this accused / petitioner is not necessary and as such, I am inclined to grant anticipatory bail to this accused / petitioner under section 482 of the B.N.S.S.

(Contd....)

Contd. Order No. 3,
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Hence, prayer for anticipatory bail of the accused / petitioner is **allowed**.

In the event of arrest, the accused / petitioner namely **Kumaresh Bhowmik @ Pintu** may find bail of ₹ 4,000/- 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 438(2) Cr.P.C., corresponding to section 482 (2) of the B.N.S.S.

In addition to this, the accused / petitioner is 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