

IN THE COURT OF SESSIONS JUDGE, DAKSHIN DINAJPUR AT BALURGHAT.

Present : Shri Anil Kumar Kushwaha (JO Code WB00945)

CrI. Misc. Case No.136 of 2026

CNR : WBDD01-000405-2026

Order No.02, dt.13.03.2026 :

This is an application u/s-482 of BNSS which has been preferred by the accused-petitioners namely-1. **Rojina Khatun @ Rajina Khatun** and 2. **Badir Sekh @ Mohamad Badiruja**, in connection with G.R. Case No.238/2026 arising out of Harirampur P.S Case No.53/2026, dated 19.02.2026, u/s-126(2)/117(2)/118(2)/109/303(2)/3(5) of BNS.

The Ld. Advocate for the accused-petitioners and the Ld. P.P, both are present in Court.

De-facto complainant appeared before this Court with her Ld. Advocate and files a Vokatnama alongwith an objection petition. Let the same be kept with the case record.

Before commencing the hearing of the instant application, this Court specifically queried from the Ld. Advocate representing the accused-petitioners and the Ld. P.P, as to whether any application for bail has been disposed of earlier by any superior Court or if any such similar application is pending in any other Court having jurisdiction to adjudicate the same.

Both, the Ld. Advocate representing the accused-petitioners and the Ld. P.P replied in the negative.

The Ld. Advocate representing the accused-petitioners submits that in the instant case the accused person has been falsely implicated and he has no nexus with the alleged offence. He submits that on account of the situation as prevailing the accused may be enlarged on anticipatory bail subject to any condition that might be imposed by this Court.

The Ld. P.P opposed such prayer for enlarging the accused persons on bail. Ld. P.P shown me the relevant pages of the CD.

Heard both sides. Perused the said application, the contents of the LCR and CD.

It appears from the case record and case diary that there is a case and counter case over the self same incident. It is alleged by the petitioner no.1 Rojina Khatun that the injured Md. Hajibulla committed rape on her and over the same issue she instituted a criminal case on 14-02-2026. Over the selfsame incident the wife of Md. Hajibulla instituted this present criminal case on 19-02-2026 with an explanation that due to remaining busy in the treatment of her husband, she could not lodge the written complaint earlier.

On perusal of the materials as collected by the I.O in the CD, I find that there is direct allegation against the accused-petitioners.

Accordingly, the prayer for anticipatory bail of the accused-petitioners stands **rejected**.

CrI. Misc. Case stands disposed of.

L.C.R and C.D be returned.

Let a copy of this Order, along with the L.C.R., be sent to the Ld. A.C.J.M., Gangarampur at Buniadpur for information and necessary action.

Dictated & corrected by me.

Sessions Judge in-charge,
ADJ, Fast Track Court
Dakshin Dinajpur at Balurghat.

Sessions Judge in-charge,
ADJ, Fast Track Court
Dakshin Dinajpur at Balurghat.