

CRIMINAL MISC.CASE NO. 208 OF 2026
CIS NO. 197 OF 2026
JO CODE WB01244

Order No: 03, dt. 05.06.2026

The instant Criminal Misc. Case has been filed under Section 482 of BNSS, 2023 filed by the petitioners **1. Roshan Singh @ Rasan Singh, 2. Rajib Singh** and **3. Swapan Singh @ Swapna Singh** seeking pre-arrest bail in connection with Matigara P.S. Case No. 211/2026 dated 13.04.2026 u/Ss. 126(2)/118(2)/109/3(5) of BNS, corresponding to PTN No. 1290/2025 pending before the Ld. A.C.J.M., Siliguri.

Today is fixed for hearing of Crl.Misc.Case.

Ld. Addl. Public Prosecutor as well as Ld. Lawyer for the accused / petitioners are present.

C.D. is produced. LCR is received.

The record is taken up for hearing of Crl.Misc.Case.

At the outset the Learned Advocate for the accused / petitioners submitted that no application for anticipatory bail has earlier been rejected by the Hon'ble High Court or is pending for disposal before the Hon'ble High Court and he draws attention of this Court to the affidavit affirmed in this respect.

Ld. Lawyer for the petitioners submitted that the petitioners have been falsely implicated in the instant case as there is case and counter by and between the parties and the petitioner No. 3 is the wife of the son of defacto complainant. It is further pointed out that the allegations are false and baseless and there is no chance of their absconsion and / or tampering of evidence in any manner. Ld. Advocate for the petitioners has prayed for pre-arrest bail on any terms and conditions.

The Learned Addl. Public Prosecutor has submitted that in the injury report the nature of injury appears to be simple and remarks 'strong smell of alcohol comes from his breath' was made upon the said injury report (vide Page No. 25 of the C.D.).

The instant case is initiated on the basis of written complaint lodged by defacto complainant alleging that accused / petitioners have assaulted the son of defacto complainant with sharp cutting weapons while he was returning home from work place.

Having heard the Ld. Advocates appearing on behalf of the parties and on perusal of the FIR and materials on record as well as in case diary and keeping in mind the nature of allegations and further considering the extent of complicity of the accused / petitioners, in view of the fact that there is case and counter case by and between the parties as alleged, I find that custodial interrogation of the accused / petitioners is not required, as such I am inclined to allow the prayer for bail as made on behalf of the accused/ petitioners. Accordingly, prayer for pre-arrest bail to the accused / petitioners u/S. 482 of BNSS is considered and allowed.

In the event of arrest the accused / petitioners namely **1. Roshan Singh @ Rasan Singh, 2. Rajib Singh** and **3. Swapan Singh @ Swapna Singh** be released on furnishing bail bond of **Rs. 5,000/- (Rupees Five Thousand only)** each with **one surety of like amount** to the satisfaction of the arresting officer with conditions laid down in section 482(2) of the B.N.S.S. The petitioner No. 3 is directed to meet the I.O. of this case once in a fortnight in between sunrise and sunset and petitioner Nos. 1 and 2 are directed to meet the I.O. of this case once in a fortnight till completion of investigation and / or further order, if any.

The Criminal Misc Case is thus disposed of.

Return the LCR and C.D.

Let a copy of this order be sent to the Ld. ACJM, Siliguri, and the I.O. / I.C. Matigara P.S. for necessary compliance.

Dict. & corrected by me

Sd/-

Sessions Judge, Darjeeling

Sd/-

Sessions Judge, Darjeeling