

CRIMINAL MISC.CASE NO. 213 OF 2026
CIS NO. 204 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. Mala Chhetri, 2. Md. Jahid** and **3. Puran Sharma** seeking pre-arrest bail in connection with Matigara P.S. Case No. 147/2026 dated 12.03.2026 u/Ss. 319(2)/318(4)/336(2)/338/336(3)/340(2)/3(5) of BNS, corresponding to PTN No. 856/2026 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.

Defacto complainant has filed objection petition along with Vakalatnama afresh and certain documents and list of documents after serving the same upon other side. Let it be kept with the record.

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 and the accused / petitioners have never been involved in selling and purchasing of the land as alleged in any manner and there is civil dispute between the defacto complainant and alleged purchaser of the land wherein the accused / petitioners have not been made party which shows that they are not involved in any such incident as alleged. It is submitted that the co-accused Shyamal Roy had been arrested and subsequently, granted bail by Ld. ADJ, 1st Court, Siliguri. 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 the names of the accused / petitioners has transpired in the statement of witnesses and one witness while giving her statement u/S. 183 of BNSS has explicitly indicated the name of accused / petitioners stating their involvement in the offence of forgery and using forged documents as alleged for the purpose of transfer the property of defacto complainant to others for wrongful gain. Ld. Addl. P.P. has opposed the prayer for bail and submitted that to unearth the total racket / syndicate custodial interrogation is very much required.

Ld. Lawyer for the defacto complainant is present and submitted that the defacto complainant is owner of the land and the accused / petitioners along with others had searched out a person having similar name to personate the actual owner and being the part of a racket / syndicate the accused persons along with the petitioners got prepared the forged documents by creating and fabricating PAN card and Aadhar card and used said documents to transfer the property from actual owner i.e. the defacto complainant. Ld. Advocate for the defacto complainant has vehemently opposed the prayer for bail.

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 seriousness of the allegation, I am not 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 rejected.

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