

CRIMINAL MISC.CASE NO. 241 OF 2026
CIS NO. 232 OF 2026
JO CODE WB01244

Order No: 02, dt. 15.06.2026

The instant Criminal Misc. Case has been filed under Section 482 of BNSS, 2023 filed by the petitioner **Md. Alabuddin** seeking pre-arrest bail in connection with Phansidewa P.S. Case No. 202/2026 dated 14.05.2026 u/Ss. 329(4)/64/62/78 of BNS, 2023 corresponding to PTN No. 1542/2026 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 / petitioner are present.

Defacto complainant is present by filing affidavit with respect to no objection as well as no objection petition along with Vakalatnama afresh. Let it be kept with the record.

Both C.D. as well as LCR are produced today.

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

At the outset the Learned Advocate for the accused / petitioner 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 petitioner submitted that the petitioner has been falsely implicated in the instant case. It is submitted that in view of the no objection by the side of defacto complainant the prayer for anticipatory bail of the accused / petitioner may be considered. It is pointed out that the allegations are false and baseless and there is no chance of his absconsion and / or tampering of evidence in any manner. Ld. Advocate for the petitioner has prayed for pre-arrest bail on any terms and conditions.

The Learned Addl. Public Prosecutor has opposed the prayer for bail.

The instant case is initiated, arising out of the written complaint lodged by victim alleging that in absence of her husband the accused / petitioner entered into her house, dragged her into a tea garden behind her house and tried to commit rape. The allegation of the victim lady finds corroboration while her statement recorded u/S. 183 of BNSS.

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 / petitioner, I am not inclined to allow the prayer for bail as made on behalf of the accused/ petitioner. Accordingly, prayer for pre-arrest bail to the accused / petitioner 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. / O.C. Phansidewa P.S. for necessary compliance.

Dict. & corrected by me

Sd/-

Sessions Judge, Darjeeling
Circuit Court at Siliguri

Sd/-

Sessions Judge, Darjeeling
Circuit Court at Siliguri

