

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 650 / 2026
CNR No. WBCB01-001138-2026

Order No. 2,
dated 02/06/2026

In the present application, the accused / petitioners namely **1) Bappa Basak @ Sanjib, 2) Nirmal Basak, 3) Anjana Basak** and **4) Mitali Basak** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Tufanganj P.S. Case No. 243 / 2026 dated 09/05/2026, under section 85, 80 of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 403 of 2026.

Ld. advocates for the contesting parties are present.

Case Record of the Ld. Trial Court and Case Diary 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 / petitioners that prior to filing of the present application, they did not file any application under 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 / petitioners who submits that in this case the main allegation is against the husband of the victim who is now in custody. Present accused / petitioners are the in-laws of the victim. They are completely innocent and merely being in-laws of the victim, they have been falsely implicated in this case as no such incident had allegedly occurred at the behest of any of the present accused / petitioners which may attract the offence punishable under section 80 of the B.N.S. So, bail may be granted to these in-laws accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the BHT of the victim appearing at page No. 49, statement of the defacto complainant recorded under section 183 of the B.N.S.S. and other materials in the Case Diary and has opposed the prayer.

Perused the Case Diary and other materials on record.

Considering the materials in the Case Diary, especially the statement made by the de facto complainant under section 183 of the B.N.S.S., I find sufficient materials against the accused / petitioner Nos. 1, 2 and 3 showing their involvement in the commission of the offence and as such, I am not inclined to grant anticipatory bail in favour of the accused / petitioner No. 1 *Bappa Basak @ Sanjib*, accused / petitioner No. 2 *Nirmal Basak* and accused / petitioner No. 3 *Anjana Basak* under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 ***Bappa Basak @ Sanjib***, accused / petitioner No. 2 ***Nirmal Basak*** and accused / petitioner No. 3 ***Anjana Basak*** is considered and **rejected**.

(Contd.....)

Contd. Order No. 2,
dated 02/06/2026

Since there is none to look after the minor daughters of the victim at home and also considering the materials in the Case Diary, I am inclined to grant anticipatory bail in favour of the accused / petitioner No. 4 *Mitali Basak* under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 4 is **allowed**.

In the event of arrest, the accused / petitioner No. 4 namely **Mitali Basak** 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 482 (2) of the B.N.S.S.

Thus, the bail petition is disposed of.

Case Diary and the 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