

**Criminal Misc. Case – 06 / 2026**  
**C.N.R.No. - WBJP01-000027-2026**

**Order No. 02 dated 05.01.2026.**

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Kalipada Roy, praying for bail in connection with P.T.N. No.WBJP02P005718/2025 arising out of New Jalpaiguri P.S. Case No.625/2025 dated 12.09.2025, u/s- 316(2)/318(4)/351(2)/61(2) of B.N.S., is taken up for hearing.

Heard both the sides.

Perused the materials on record and C.D. Considered.

Ld. Lawyer for the accused-petitioner submits that no bail petition has ever been filed in connection with this case before any higher Court on any earlier occasion and an affidavit has also been filed on behalf of the accused-petitioner in support of such contention by the Ld. Defence Lawyer and the Ld. Public Prosecutor, Jalpaiguri concedes to the fact as submitted by the Ld. Defence lawyer.

It is the case of the accused-petitioner that he has been falsely implicated in this case out of personal grudge and vendetta and arising out of a dispute over the landed property regarding execution of deed of sale as it appears from the written complaint. It has also been contended that the accused-petitioner is ready to execute and register the deed of sale as proposed through the earlier deed of agreement as made by and between the accused-petitioner and the de-facto complainant. It has been submitted further that this accused-petitioner is in custody since 25.12.2025 and he was not taken into Police custody and nothing has been recovered and no progress has been made in connection with the investigation of this case. Considering the present facts and circumstances of the case, it is prayed that this accused-petitioner may be enlarged on bail subject to any condition with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State has submitted that admittedly the matter has arisen out of a civil dispute regarding execution of a deed of landed property. However, he has submitted that necessary order may be passed considering the present facts and circumstances of the case.

Ld. Advocate appearing on behalf of the de-facto complainant has submitted that the good money of the complainant has been misappropriated by disowning and non-compliance of the agreement as made by and between the accused-petitioner and the complainant. However, he has submitted that his client will be prejudiced if the property has not been transferred by registering the deed as proposed through the said agreement.

Upon perusal of the T.C.R. and the C.D. as submitted by the Ld. Public Prosecutor, Jalpaiguri, and also after going through the record including the F.I.R., written complaint and other incriminating materials in the C.D. and the documents as submitted on behalf of the de-facto complainant and considering the submissions of the Ld. Advocate for the accused-petitioner, Ld. Advocate for the de-facto complainant and Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State, it appears to this Court that there was an allegation of non-compliance on the part of the accused-petitioner regarding specific performance of contract as made by and between the accused-petitioner and the complainant so far the proposed transfer of the land is question is concerned. However, the accused-petitioner is in custody since 25.12.2025 and since then no such constructive progress has yet been made in connection with this case. Over and above, this matter is grossly related to civil dispute. Considering the present facts and circumstances of the case and also considering the present stage of investigation, there appears no justification for further custodial detention of this accused-petitioner in connection with this case for the sake of investigation. In view of that, this Court is inclined to enlarge the accused-petitioner on bail on **interim basis** subject to certain condition.

Hence, it is

**ORDERED**

that the instant bail application stands allowed.

Accordingly, the accused-petitioner, namely, Kalipada Roy may find **interim bail till 06.02.2026** of Rs.10,000/- with two (2) registered sureties of Rs.5,000/- each, subject to satisfaction of the Ld. C.J.M., Jalpaiguri, on condition that the accused-petitioner should cooperate with the investigation by attending the I.O. as and when called on, in default necessary order will be passed.

Send a copy of this order along with T.C.R. to the learned Chief Judicial Magistrate, Jalpaiguri, for information and taking necessary action.

Return C.D.

Fix **06.02.2026** for further hearing.

**Dictated & corrected by me,**