

Criminal Misc. Case – 15 / 2026
C.N.R.No. - WBJP01-000039-2026

Order No. 03 dated 06.01.2026.

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Subrata Dey, praying for bail in connection with P.T.N. No.WBJP02P007265/2025 arising out of Bhaktinagar P.S. Case No.1188/2025 dated 11.12.2025, u/s-189(2)/329(4)/117(2)/109/74/324(4)/303(2)/351(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 over the family dispute arising over the issue of death of one Jharna Sarkar being a person of repute of the locality after consuming poison. It has also been contended that this accused-petitioner has not been involved in the alleged incident which has been falsely narrated in the written complaint. Over and above, it has been contended that this accused-petitioner is in custody since 19.12.2025 after being shown arrested in this case. It has been contended further that it has been falsely alleged that some gold ornaments and other valuable articles have been looted from the house of the complainant and none of such alleged stolen article has been seized in course of investigation and during the period of custody of this accused-petitioner. Considering the present facts and circumstances of the case, it is prayed that this accused-petitioner may be enlarged on bail subject to any stringent condition with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State has submitted that this accused-petitioner along with a group of people vandalised the house of the complainant and he also assaulted the complainant and her family members mercilessly as it appears from the injury report lying in the C.D. However, he has raised strong objection to the prayer for bail as made on behalf of the accused-petitioner u/s 483 of B.N.S.S.

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. including the photographs, the injury report, etc. and considering the submissions of the Ld. Advocate for the accused-petitioner and Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State, it appears to this Court that this accused-petitioner has been allegedly involved in attacking the house of the complainant and also damaging her property along with a group of local people and also there was an allegation of looting of some gold and other valuable household articles from the house of the complainant and also there was an allegation of attempt to commit murder of the family members of the complainant including a minor baby. However, upon perusal of the C.D. it does not transpire about any seizure of such valuable articles or gold ornaments as alleged stolen by the group of people including this accused-petitioner. Over and above, this accused-petitioner is in custody since 19.12.2025 after being shown arrested in this case. Considering the present facts and circumstances of the case and the present stage of investigation, at this stage, 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, Subrata Dey may find **interim bail till 11.02.2026** of Rs.5,000/- with two (2) registered sureties of Rs.2,500/- 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. once in a week till the completion of investigation and submission of charge-sheet and on further condition that he should not involve himself in any kind of criminal atrocity and other activities against Mampi Sarkar and her family members, in default to the above conditions necessary order will be passed.

Send a copy of this order along with T.C.R. to the Ld. C.J.M., Jalpaiguri, for information and taking necessary action.

Also send a copy of this order to the I.O. for information.

Return C.D.

Fix **11.02.2026** for further hearing.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
(WB01135)

Sessions Judge, Jalpaiguri
(WB01135)