

Criminal Misc. Case – 63 / 2026
C.N.R.No. - WBJP01-000144-2026

Order No. 03 dated 04.02.2026.

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Jafarul Md., praying for bail in connection with P.T.N. No.WBJP02P007334/2025 arising out of N.J.P. P.S. Case No.850/2025 dated 16.12.2025, u/s-64 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 also arising out of some misunderstanding by and between himself and the complainant's daughter. It has also been contended that this accused-petitioner is in custody since 16.12.2025. He has been contended further that there no further chance of any development of investigation. 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 though the victim has declined her medico-legal examination by the Doctor, however, as per the statements recorded u/s 183 of B.N.S.S. before the Ld. Judicial Magistrate the actual fact will be revealed and he has submitted for passing necessary order.

Ld. Advocate appearing on behalf of the de-facto complainant has submitted that the complainant has no objection against the prayer for bail, if the accused-petitioner marries the victim.

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. i.e. the statements of the victim recorded before the Ld. Judicial Magistrate u/s 183 of B.N.S.S. and the affidavit 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 establishing physical relationship by the accused-petitioner with the victim / daughter of the de-facto complainant with a false promise to marriage and also there was an allegation of committing penetrative sexual offence against this accused-petitioner. However, this accused-petitioner is in custody since 15.12.2025. Considering the present facts and circumstances of the case and the stage of investigation and also considering the period of detention of this accused-petitioner, at this stage, this Court does not find any justification for any further custodial detention of this accused-petitioner. 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, Jafarul Md. may find **interim bail till 09.03.2026** of Rs.5,000/- with two (2) sureties of Rs.2,500/- each, **out of whom one must be a local surety and another must be a registered surety**, subject to satisfaction of the Ld. C.J.M., Jalpaiguri, on condition that he shall cooperate with the investigation by attending the I.O. once in every week till the completion of investigation and submission of charge-sheet, in default necessary order will be passed.

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

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

Return C.D.

Fix **09.03.2026** for further hearing.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
(WB01135)

Sessions Judge, Jalpaiguri
(WB01135)