

Criminal Misc. Case – 264 of 2026
C.N.R. No. WBJP01-000757-2026

Order No. 03 dated 12.03.2026

The application u/s 482 of B.N.S.S. filed by the accused-petitioner, namely, Mamun Md. @ Md. Mamun, praying for anticipatory bail in connection with N.J.P. P.S. Case No.18/2026 dated 05.01.2026 u/s-85/336(2)/338/78/351(2) of B.N.S., corresponding to P.T.N. No.WBJP02P000172/2026, is taken up for hearing.

Ld. Lawyer for the accused-petitioner submitted 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. P.P, Jalpaiguri conceded 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. It has also been contended that dispute arose between the parties over matrimonial discord between them. It has been submitted further that the present accused-petitioner is the husband of the de-facto complainant. Considering the present facts and circumstances, it is prayed that this accused-petitioner may be granted with anticipatory bail subject to any condition with a promise to cooperate with investigation.

Ld. Public Prosecutor, Jalpaiguri, opposed the prayer for anticipatory bail.

Heard the Ld. Lawyer for the accused-petitioner and the Ld. Public Prosecutor, Jalpaiguri.

Perused the application for anticipatory bail u/s 482 of B.N.S.S., the T.C.R and the case diary. Considered.

The de-facto complainant is the married wife of the present accused-petitioner. Over the issue of matrimonial dispute the de-facto complainant lodged the F.I.R. before the N.J.P. P.S. and N.J.P. P.S. started the instant case u/s 85/336(2)/338/78/351(2) of B.N.S. The F.I.R. was lodged on 05.01.2026. Ld. Lawyer for the accused-petitioner has submitted certified copy of the order sheets and the plaint of the Matrimonial Suit No.308/2023 which is now pending before the Ld. Additional District Judge, 3rd Court, Jalpaiguri. I find from the said certified copy of the Matrimonial Suit u/s 25(1) of Special Marriage Act was filed on 30.05.2023 by the de-facto complainant and during pendency of the said suit the instant F.I.R. has been lodged. Apart from that I also find the order sheets and plaint of the Matrimonial Suit No.14/2024 u/s 22 of Special Marriage Act which was filed by the accused-petitioner and the said suit is pending before the Ld. Additional District Judge, Fast Track, 1st Court, Jalpaiguri and said suit was filed on 05.01.2024. In view of the aforesaid circumstances, I am inclined to allow the prayer for anticipatory bail filed u/s 482 of B.N.S.S. in respect of the accused-petitioner.

Hence, it is

ORDERED

that the instant anticipatory bail application filed u/s 482 of B.N.S.S. stands allowed.

Accordingly, this Court directs that in the event of arrest, the accused-petitioner, namely, Mamun Md. @ Md. Mamun, shall be released on bail upon furnishing a bond of Rs.2,000/- with two (2) sureties of Rs.1,000/- each, subject to the satisfaction of the arresting officer, subject to the compliance of the condition as laid down in sub-section (2) of Section 482 of B.N.S.S. on condition that the accused-petitioner shall not cause threat, intimidation or otherwise influence upon the witnesses of this case.

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

Certified copies is returned after keeping the photocopy of the same in the case record.

Return C.D.

Thus, the Criminal Misc. case is disposed of.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
(in-charge)
(WB00710)

Sessions Judge, Jalpaiguri
(in-charge)
(WB00710)