

Criminal Misc. Case – 300 of 2026
C.N.R. No. WBJP01-000855-2026

Order No. 07, dated 02.05.2026.

The application u/s 482 of B.N.S.S. filed by the accused-petitioner, namely, Subrata Paul, praying for anticipatory bail in connection with N.J.P. P.S. Case No.125/2026 dated 25.02.2026 u/s- 85/115(2)/74/76 of B.N.S, 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 a case of the accused-petitioner that he has been falsely implicated in this case out of personal grudge and vendetta and misunderstanding arising out of family dispute and matrimonial discord by and between the accused-petitioner and the complainant. It has been also contended that the actual fact reveals otherwise than it has been narrated in the written complaint. He has not been involved at all in any such kind of offence as narrated in the written complaint. In the present facts and circumstances of the case and the stages of investigation, the present accused-petitioner may be granted with anticipatory bail subject to any condition with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing for the State has submitted that injury report is lying with the C.D. which will speak for itself regarding nature of injury. However, he has submitted for passing necessary order.

Ld. Advocate appearing on behalf of the defacto complainant has submitted that out of misunderstanding, the case was initiated by the complainant. However, at present she has no objection if the accused-petitioner is granted with anticipatory bail. The complainant is personally present in court and she has supported the submission of her Ld. Advocate.

Heard both the sides.

Perused the T.C.R and the case diary. Considered.

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 lying in the C.D. i.e. the injury report etc. and also the documents as submitted on behalf of the defacto complainant along with affidavit as signed and sworn by the defacto complainant and considering the submissions of the Ld. Advocate for the accused-petitioner and Ld. Public Prosecutor, Jalpaiguri appearing on behalf of the State and the Ld. Advocate appearing on behalf of the defacto complainant, it appears to this Court that there was an allegation of physical assault by the present accused-petitioner upon the complainant being the wife of the accused-petitioner. However, considering the present facts and circumstances of this case and stages of investigation, this court does not find any justification for custodial interrogation of the present accused-petitioner at this stage.

In view of that, this Court is inclined to allow the prayer for anticipatory bail subject to certain conditions.

Hence, it is

ORDERED

that the instant anticipatory bail application filed by the above-named accused-petitioner stands allowed.

Accordingly, this Court directs that in the event of arrest, the accused-petitioner, namely, Subrata Paul, shall be released on bail upon furnishing a bond of Rs.5000/- with two (2) sureties of Rs.2500/- 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. and on further condition that the accused-petitioner will cooperate with the investigation as and when required and he will not involve himself in any further dispute with the complainant and her family members or inflict any kind of criminal atrocity upon them i.d. necessary order 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.

Thus, the Criminal Misc. case is disposed of.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
(WB01135)

Sessions Judge, Jalpaiguri
(WB01135)