

Criminal Misc. Case – 348 of 2026
C.N.R.No. - WBJP010009952026

Order No. 02 dated 24.03.2026

The application u/s 482 of B.N.S.S. filed by the accused-petitioner, namely, Saikat Das, praying for anticipatory bail in connection with Bhorer Alo P.S. Case No.39/2026 dated 20.02.2026 u/s-85/ 109(1) of B.N.S., r/w section 3 & 4 of D.P. Act, corresponding to PTN No.WBJP02P001159/2026, 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.

Ld. Lawyer for the accused-petitioner has submitted that the present petitioner is the husband of the defacto complainant who has been falsely implicated in this case out of personal grudge and vendetta. Other co-accused persons i.e. family members of the defacto complainant are on bail. There is no specific allegation against the present petitioner. 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 submission of the Ld. Lawyer for the petitioner and the Ld. Public Prosecutor, Jalpaiguri.

Perused the application under Sec.482 of B.N.S.S., T.C.R and the C.D. Considered.

The petitioner is the husband of the defacto complainant and their marriage took place 4 years ago from the time of registration of the F.I.R. It is the allegation that the defacto complainant was subjected to torture on demand of dowry at the hands of the petitioner and his family members. According to F.I.R., on 09.02.2026 the petitioner and other accused persons who are on bail assaulted her and after two days of that incident, the petitioner throttled her with a view to murder her on demand of dowry.

Injury report at page 29 of the C.D. shows that the victim was medically treated on 02.03.2026, although the alleged incident occurred on 09.02.2026 and 11.02.2026. Injury report lying in the C.D. does not tally with the allegations made in the F.I.R. Other statements of the witnesses available in the C.D. does not suggest to attract the provision of section 109(1) of B.N.S. Other accused persons are on bail.

Considering the facts and circumstances of the case, I am inclined to allow the prayer for anticipatory bail filed u/s 482 of B.N.S.S. in respect of the present 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 petitioner, namely, Saikat Das, shall be released on bail upon furnishing a bond of Rs.4,000/- with two (2) sureties of Rs.2000/- 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 make any threat, intimidation and otherwise influence 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.

Return C.D.

Thus, the Criminal Misc. case is disposed of.

Dictated & corrected by me,

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

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(in-charge)
(WB00710)