

Criminal Misc. Case – 392 / 2026
CNR No. WBJP01-001104-2026

Order No. 03, dated – 08.04.2026,

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Biraj Roy, praying for bail in connection with Women P.S. Case No.24/2026 dated 23.02.2026, u/s-85/80/103/61/3(5) of B.N.S is taken up for hearing.

Heard both the sides.

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

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 misunderstanding and misconception as it has been narrated in the written complaint made by the defacto complainant. It has been also contended that other co-accused person being the mother of the present accused-petitioner has already been granted anticipatory bail from this court in C.M.C. No.393/2026 vide order No.3 dated 07.04.2026. Moreover, after completion of investigation, chargesheet has already been submitted and there is nothing remained for investigation in connection to this case and it is not the case of custodial trial. In view of that, the present accused-petitioner may be enlarged on bail subject to any condition with a promise to attend court proceeding on day to day basis.

Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State has submitted that admittedly investigation in this case has already been completed and other co-accused person had already been granted anticipatory bail from this court. However, he has submitted for passing necessary order.

Learned advocate for the de-facto complainant has opposed the prayer for bail with this contention that it is fit case for custody trial and in case, he is enlarged on bail, he will influence the chargesheeted witnesses by virtue of his strength and position and he has prayed for rejection of bail application.

Heard both the sides.

Perused the materials on record and C.D. 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, chargesheet and other incriminating materials lying in the C.D. including P.M. report etc. and considering the submissions of the Ld. Advocate for the accused-petitioner and Ld. Public Prosecutor, Jalpaiguri, appearing for the State and the Ld. Advocate appearing on behalf of the defacto complainant, it appears to this Court that there is allegation was an allegation of matrimonial dispute resulting to homicidal death of the victim being the daughter of the

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defacto complainant. However, after completion of investigation, chargesheet has already been submitted and the accused-petitioner is in custody for more than 47 days. However, considering the present facts and circumstances of this case, this court does not find any justification for further custodial detention of the accused-petitioner for the sake of investigation.

In view of that, this Court is inclined to enlarge the accused-petitioner on bail subject to certain conditions.

Hence, it is

ORDERED

that the instant bail application submitted on behalf of the accused-petitioner, namely, Biraj Roy, in connection with the above referred case, stands **allowed**.

Accused-petitioner namely Biraj Roy may find bail on furnishing bond of Rs.10.000/- with two sureties of Rs.5000/- each, out of whom, **one must be local and another registered surety** subject to satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, on condition that during the period of bail, **he will not enter into his own residential jurisdictional area as well as the jurisdictional place where the defacto complainant resides until completion of trial or until further order, which ever is earlier, in default, necessary order will 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.

The instant Criminal Misc case is thus disposed of.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri

(WB01135)

Sessions Judge, Jalpaiguri

(WB01135)