

**Criminal Misc. Case – 524 of 2026**  
**C.N.R. No. WBJP01-001569-2026**

**Order No. 05, dated – 23.06.2026,**

The application u/s 482 of B.N.S.S. filed by the accused-petitioner, namely, Subhendu Sarkar, praying for anticipatory bail in connection with Kotwali P.S. Case No.164/2026 dated 04.04.2026 u/s- 109/118(2)/126(2) of the B.N.S., corresponding to PTN No.WBJP02P002095/2026, 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 a case of the accused-petitioner that he has been falsely implicated in this case out of personal grudge and vendetta and arising out of misunderstanding by and between the accused-petitioner and the complainant of this case. It has been also contended that the actual fact is otherwise than it has been narrated in the written complaint. Furthermore, this accused-petitioner was not involved in any kind of alleged incident as narrated in the written complaint. Considering the present facts and circumstances of the case, the accused-petitioner, may be granted with anticipatory bail subject to any condition and with a promise to cooperate with the investigation.

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

Ld. Advocate appearing on behalf of the defacto complainant has submitted that the case has been initiated by and between the accused-petitioner and the complainant out of misunderstanding and misconception and now the dispute is not in existence and he has submitted an affidavit on behalf of the defacto complainant who is personally present in court and he supported the submission of his 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 written complaint, F.I.R and other incriminating materials lying in the C.D. i.e. injury report etc. and considering the submission of the Ld. Advocate for the accused-petitioner, Ld. Advocate for the defacto complainant and the Ld. Public Prosecutor, Jalpaiguri appearing on behalf of the State, it appears to this Court that there was an allegation of physical assault by sharp cutting weapon by the accused-petitioner upon the complainant. However, considering the present facts and circumstances of this case and the stages of investigation and the stages of investigation, at this stage, this Court does not find any justification for custodial interrogation of this accused-petitioner. Accordingly, 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, Subhendu Sarkar, shall be released on bail upon furnishing a bond of Rs.5,000/- 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 shall cooperate with the investigation as and when required till completion of investigation and submission of chargesheet, 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.

Thus, the Criminal Misc. case is disposed of.

**Dictated & corrected by me,**

**Sessions Judge, Jalpaiguri**  
(WB01135)

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