

Criminal Misc. Case – 603 of 2026
C.N.R. No. WBJP01-001724-2026

Order No. 03 dated 09.06.2026

At the outset of hearing, Ld. lawyer for the accused-petitioners has not pressed the prayer for anticipatory bail of the petitioner No.3, Apu Das in view of the fact that said Apu Das was arrested by the I.O. pending disposal of the petition for anticipatory bail. Accordingly, the prayer for anticipatory bail of the accused-petitioner No.3, Apu Das stands rejected being not pressed.

Now the application u/s 482 of B.N.S.S. filed by the accused-petitioners, namely, 1. Jagadish Das, 2. Maloti @ Malati Das, 4. Sailen @ Shailen Das and 5. Suman Das, praying for anticipatory bail in connection with Malbazar P.S. Case No.169/2026 dated 07.05.2026 u/s-117(2)/126(2)/3(5)/303(2)/329(4)/351(3)/74 of B.N.S., is taken up for hearing.

Ld. Lawyer for the accused-petitioners 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-petitioners 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-petitioners that they have falsely implicated in this case out of personal grudge and vendetta. No such incident has ever occurred as it has been narrated in the F.I.R. It is also submitted that one of accused persons has already been granted bail on the very first day of his production. Considering the present facts and circumstances, it is prayed that these accused-petitioners 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-petitioners 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 C.D. Considered.

The allegation is as per F.I.R. under sections 117(2)/126(2)/3(5)/303(2)/329(4)/351(3)/74 of B.N.S. So far as allegation of injury is concerned, there is no such materials in the C.D. to prima facie support the same. Further the accused, Apu Das who was arrested by the I.O. was released on bail on the same day by the Ld. Chief Judicial Magistrate, Jalpaiguri. Considering the nature and gravity of the case and materials in the C.D., I am inclined to allow the prayer for anticipatory bail filed u/s 482 of B.N.S.S. in respect of the accused-petitioners Nos.1 2, 4 & 5.

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-petitioners, namely, 1. Jagadish Das, 2. Maloti @ Malati Das, 4. Sailen @ Shailen Das and 5. Suman Das shall be released on bail upon furnishing a bond of Rs.2,000/- each with one surety of like amount 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-petitioners shall not cause threat, intimidation or otherwise influence to 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)

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