

Criminal Misc. Case – 591 / 2026
C.N.R.No. - WBJP01-001696-2026
J.O Code- WB00656

Order No. 05 dated 20.06.2026.

The application u/s 483 of B.N.S.S. filed by the accused-petitioner, namely, Santosh Jain, praying for bail in connection with Bhaktinagar P.S. Case No.232/2026 dated 16.03.2026 u/s-85/103(1)/61(2) of B.N.S., read with section 3/ 4 of D.P. Act, is taken up for hearing.

Ld. Defense Lawyer has submitted that no bail petition has ever been filed in connection with this case before any Higher Court on any earlier occasion. An affidavit has been filed by Ld. Defense Lawyer in support of this submission.

Ld. Public Prosecutor, Jalpaiguri, has also submitted that no bail application of this accused-petitioner is either pending or was rejected before or by any higher forum, as it appears from the C.D.

It is submitted on behalf of the accused-petitioner that he has been falsely implicated in this case. He is no way connected with the alleged occurrence. He is completely innocent. The accused-petitioner is in custody since 17.03.2026. The other co-accused persons are still absconding and there is no chance of immediate commencement of trial. It is again submitted that charge-sheet has already been submitted in this case under section 108/85 of B.N.S. along with other sections. In view of that, it is prayed that he may be enlarged on bail on any condition.

Ld. Public Prosecutor, Jalpaiguri, has also admitted the same as submitted by the Ld. Defense Lawyer. In view of that he has submitted that necessary order may be passed.

Heard Ld. Public Prosecutor, Jalpaiguri and Ld. Defence Lawyer.

I have carefully considered the C.D. and other materials on record. I find that the chargesheet has been submitted in this case under sections 108/85 of B.N.S. adding section 3/ 4 of D.P. Act. The other co-accused persons are still absconding. So, it is felt that there is no chance of immediate commencement of Trial. I also find that though the case was started under section 103(1) of B.N.S. but at the time of submission of charge-sheet, the section 103(1) of B.N.S. has been omitted. As this accused-petitioner is in custody for a considerable period and as there is no chance of immediate commencement of trial, I do not find any reason to detain this accused-petitioner further. In view of that, I am inclined to enlarge the accused-petitioner on bail.

The prayer for bail filed by the accused-petitioner, namely, Santosh Jain, in connection with the above referred case, is **allowed**.

Accordingly, the accused-petitioner, namely, Santosh Jain may find bail of Rs.5,000/- with two (2) registered sureties of Rs.2500/- each, subject to satisfaction of the Ld. C.J.M., Jalpaiguri, on condition that the accused-petitioner should attend the Court proceedings on day to day basis diligently without fail, in default necessary order will be passed and shall not put the witness under any type of fear and also shall not tamper with the evidence in any manner.

Send a copy of this order along with T.C.R. to Ld. 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 (in-charge)**

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