

Criminal Misc. Case – 832 / 2026
C.N.R.No. - WBJP01-002241-2026

Order No. 02, dated 30.06.2026.

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Basanti Malakar, praying for bail in connection with Rajganj P.S. Case No.141/2026, dated 26.04.2026, u/s 85/82(1)/110 of B.N.S. read with Section 3 and 4 of the D. P. Act, is taken up for hearing.

Ld. Lawyer for the accused-petitioner submits 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. Public Prosecutor, Jalpaiguri concedes 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 personal grudge and vendetta arising out of family dispute by and between the complainant and this accused-petitioner. However, the other co-accused persons have already been granted bail. This accused-petitioner is in custody since 10.06.2026. In the present facts and circumstances, there is no need for custodial interrogation of the present accused-petitioner. Considering the present facts and circumstances of the case, the accused-petitioner may be enlarged on bail subject to any condition with a promise to attend the court proceeding on day to day basis.

Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State has submitted that the statement of the victim under Section 180 of the BNSS has been recorded. Furthermore, the injury report issued from the hospital lying with the case diary and the same will speak for itself regarding the nature of injury. However, he has submitted for passing necessary order.

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 and other incriminating materials in the C.D. and the documents i.e. the injury report issued from hospital and considering the submissions of the Ld. Advocate for the accused-petitioner and Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State, it appears to this Court that there was an allegation of physical assault by the accused-petitioner along with his son Bhuban Malakar upon the victim arising out of family dispute and over the issue of alleged extramarital affair by and between Bhuban Malakar and other co-accused Bharati Das. However, some of the co-accused persons have already been granted bail and this accused-petitioner is in custody since 10.06.2026. Considering the present facts and circumstances of the case and stages of investigation, this Court does not find any justification for any further custodial detention of this accused-petitioner. In view of that, this Court is inclined to enlarge the accused-petitioner on bail subject to certain condition.

Hence, it is -

ORDERED

that the instant bail application stands allowed.

Accordingly, the accused-petitioner, namely, Basanti Malakar may find bail of Rs.10,000/- with two (2) registered sureties of Rs.5,000/- each, subject to satisfaction of the Ld. C.J.M., Jalpaiguri, on condition that the accused-petitioner shall co-operate with the investigation till completion of investigation and submission of charge-sheet. However, she being a female accused-petitioner should not be called on without presence of any female Police Officer in the P.S.

Send a copy of this order along with T.C.R. to the learned Chief Judicial Magistrate, Jalpaiguri, for information and taking necessary action.

Also send a copy of this order to the I.O. for information.

Return C.D.

Thus, the Criminal Misc. Case is disposed of.

Dictated & corrected by me:-

Sessions Judge, Jalpaiguri
(WB01135)

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