

In the Court of District & Sessions Judge, Alipurduar.  
**Criminal Misc. Case No.173/2026**  
(CNR No. WBJP05-000391-2026 )  
Present : Sri Pukar Pradhan (J.O.No.WB01097 )  
Addl. District & Sessions, FTC-II,  
In Charge of Sessions Judge, Alipurduar.

**Sri Jaydeb Pandit**.....accused/petitioner  
- Vs -  
State of West Bengal

**Order No.2 dt.07.03.26**

The instant Criminal Misc Case is arisen out of the bail application filed u/s 482 BNSS by the applicant/petitioner **Sri Jaydeb Pandit**, the resident of village Loknathnagar, P.S. Bagdogra, Dist. Darjeeling, in connection with G.R. Case No.29/2025, corresponding to Madarihat P.S Case No.2/2025 dt. 04.01.25, u/s 85/109/115(3)/351(2) of BNS read with Section 3/4 D.P. Act.

Learned Advocate appearing for the accused/petitioner submits that the accused/petitioner has not moved any bail application for and on behalf of the accused before the Hon'ble High Court or the Hon'ble Supreme Court and no such application is pending or disposed of before the Hon'ble High Court or the Hon'ble Supreme Court.

Learned Advocate for the accused/petitioner submitted that the present case has been instituted on the false pretext and the accused person has been falsely implicated in the present case. It is contended that other two accused persons are already on bail vide order dated 14.07.25. That apart, charge sheet has already been submitted against the accused persons, hence prays for anticipatory bail on any stringent condition.

Learned Public Prosecutor, on the other hand, raised formal objection and contended that charge sheet against all the accused persons has already been submitted on 06.03.26 and cognizance has been taken.

Having heard the submission of Learned Advocate of both sides and upon perusal of the case record including the case diary, it is seen that the Investigating Officer has already submitted charge sheet and the Learned Magistrate has pleased to take cognizance of the offence. That apart, from the charge sheet it is apparent that the allegation of trying to asphyxiate by pushing pillow is there but no such injury report is collected to that effect. Rather, this Court finds that the observation of the Hon'ble Apex Court in the case in **Satinder Kumar Antil Vs. State of Bihar** will be guiding factor. From the statement of the victim so recorded u/s 183 of the BNSS also does not show any such material which requires custodial detention of the accused person. Therefore, considering the above facts, the prayer for anticipatory bail is **allowed**.

In the event of arrest, the accused/petitioner **Sri Jaydeb Pandit** may find bail of **Rs.3,000/-** with two sureties of **Rs.1,500/-** each of like amount, subject to the satisfaction of the arresting authority and on condition that he shall comply with the requirements as enumerated u/s 482(2) of the BNSS.

Let a copy of this order along with LCR be sent to the learned CJM, Alipurduar for information and taking necessary action.

Thus, the instant Criminal Misc case is disposed of.

Dictated & corrected  
by me

**Sd/-**  
Sessions Judge, Alipurduar  
IN-CHARGE.

**Sd/-**  
Sessions Judge, Alipurduar.  
IN-CHARGE.

OFFICE OF THE DISTRICT & SESSIONS JUDGE,  
ALIPURDUAR.

Memo No.

Dated

*Copy of order forwarded to :*

- 1) Ld. CJM, Alipurduar along with LCR being G.R.29/2025.**
- 2) The I.O.**

Sessions Judge, Alipurduar.  
IN-CHARGE.







