

In the Court of District & Sessions Judge, Alipurduar.

**Ref: CIS Criminal Misc. Case No. 197 of 2026
(CNR No.WBJP05-000480-2026)**

Present : Sri Pukar Pradhan (J.O.No.WB01097)
Addl. District & Sessions, FTC-II,
In Charge of Sessions Judge,
Alipurduar.

Basu Toppoaccd -Vs- State of W.B.

Order No. 3, dt. 16.03.2026;

This is an application U/S 483 BNSS filed by accused/petitioner **Basu Toppo**, in connection with Jaigaon P.S. Case No. 41/26, dt. 18.02.2026 u/s 64/62/351(2) of BNS corresponding to G.R. Case No. 343/2026.

Mr. Kaushik Banik, Ld. Counsel appearing for the petitioner/accused submitted 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.

Ld. Advocate for the accused/petitioner submitted that the previous application for bail was rejected by this Court on 27/02/2026. However, during these period the accused/petitioner is in J/C for more than 22 days. It is also agitated that there is a case and counter case pending between the parties with similar allegation of rape against the present accused/petitioner as well as the against Rabinson Minj who is the husband of the defacto complainant of this case. Hence, contended that the change in circumstances is of the period of detention and no progress of investigation.

Mr. Suhrid Majumder, Ld. Public Prosecutor, on the other hand, raises formal objection and contended that during this period the wearing apparels of the victim was recovered and seized as well as capability test of the accused has been done. At the same time, Ld. Public Prosecutor by relying upon the judgment of Hon'ble Apex Court in the case of **Ramesh Kumar v. State of Chattisgarh** contended that the accused/petitioner must show the new grounds for successive bail application.

Perused the case record and the case diary.

Having heard the submission of Ld. Advocate for both sides and

upon perusal of the trial court record, it is seen that the wife of the present accused/petitioner, namely, 'X' filed a case against Rabinson Minj which was registered as GR Case No. 1715/2025. On the contrary, the wife of Rabinson Minj, namely, 'Y' filed this case against accused/petitioner Basu Toppo and the Section involved in both the cases is principally Section 64 of BNS. In the instant case, the allegation of attempt to rape is there. Even though, the prosecution raises objection and contended that the allegation against the present accused is of attempt to rape but the victim refused to go for medical examination. That apart, the present accused is in J/C since 23/02/2026 and also keeping in mind the principle of law that 'bail is right and jail is an exception' and also keeping in mind the evolving concept of bail laws right from **Prabir Purakayastha's** judgment to **Kashi Reddy's** judgment as well as considering the humanitarian aspect and the period of detention, this Court finds that further detention of this accused will not aid the investigation which is at concluding phase. Thus, the prayer for bail is **allowed**.

The accused/petitioner **Basu Toppo** may find **bail** of **Rs. 4,000/-** with two registered sureties of **Rs. 2,000/- each**, with a condition to meet the Investigating Officer once in a week until the completion of investigation, subject to the satisfaction of Learned CJM, Alipurduar, with further condition that he shall not leave the jurisdiction of the Court without the permission and shall not temper with any evidences.

Return CD.

Let a copy of this order along with TCR 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 :

Sessions Judge, Alipurduar
in-Charge

Sessions Judge, Alipurduar
in-Charge