

In the Court of District & Sessions Judge, Alipurduar.
Ref: Criminal Misc. Case No.427/2026
(CNR No.WBJP05-001074-2026)
Present : Sri Saugata Chakraborty, (WB00767)
Additional District & Sessions Judge-II,
In-Charge of Sessions Judge,
Alipurduar.

Bappa Sarkar.....accused/petitioner- Vs - State of West Bengal.

Order No.2 dt.09.06.26

The instant Criminal Misc Case is arisen out of the bail application filed u/s 482 BNSS by the applicant/petitioner **Bappa Sarkar**, the resident of village Dima Tea Garden, Nepali School Line, P.O. & P.S. Kalchini, Dist. Alipurduar, in connection with G.R. Case No.1086/2026, arising out of Kalchini P.S Case No.61/2026 dated 18.05.26, u/s 308(2)/308(3)/318(4)/61(2) of BNS.

Ld. Advocate appearing for the petitioner has stated that the alleged extortion of money took place on 26.02.26, but the FIR was lodged on 18.05.26 which is long delay from the day of occurrence and that there was no notice served on the petitioner though the offences are punishable under seven years and mandatory compliance is not completed in the present case and the accused is own hearth and home and there is no chance of his absconding.

Ld. Advocate for the accused submitted that no bail application has been filed or pending before the higher Court.

Ld. P.P has stated that the statements recorded u/s 180 of the BNSS and the statement recorded judicially u/s 183 of the BNSS support the FIR story, but there is a direct violation of the provisions as laid down in the law by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation**.

I have gone through the materials on record including the case diary.

The statement u/s 183 of the BNSS supports the FIR. The FIR was registered on 18.05.26 and it is surprising to see that no notice u/s 35(3) of the BNSS was served upon the petitioner. This is a gross violation of the law laid down by the Hon'ble Apex Court. On the basis of the foregoing discussion, I am of the view that benefits for pre-arrest bail may be extended to the petitioner. Accordingly, prayer for anticipatory bail is **allowed**.

In the event of arrest, the accused/petitioner **Bappa Sarkar** may find bail of **Rs.4,000/-** with two sureties of **Rs.2,000/- each** of like amount, subject to the satisfaction of the arresting officer and on condition to meet the I.O once in a week till further order and further condition that he shall comply with the requirements as enumerated u/s 482(2) of the BNSS.

Return CD.

Let a copy of this order along with LCR be sent to the learned CJM, Alipurduar and the I.O 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. 1086/2026.***

2) The I.O.

Sessions Judge, Alipurduar.
IN-CHARGE.

