

Present : Sri Debdeep Manna  
Additional Sessions Judge (FTC-I), Krishnagar  
and In-charge of Sessions Judge, Nadia.

**Criminal Misc. Case No. 580 of 2026**

Order No. 02  
20-03-2026

The application for bail U/s 483 of the BNSS filed on behalf of accused/petitioner **Jasim Malita** who is in custody in connection with **Krishnaganj** P.S. Case No. 50/2026 dated 12.02.2026 under sections 64/351(2) of the BNS, is taken up for hearing along with LCR and CD.

Heard Learned Advocate for the accused/petitioner as well as Learned Public Prosecutor.

At the outset, Learned Advocates of both sides state that no similar bail application is preferred, pending before or rejected by any Higher Court of law.

Learned Advocate for the accused/petitioner, while moving the application under section 483 of the BNSS, submits before the Court that accused petitioner has been falsely implicated in this case. The victim is aged about 26 years and married, having two children. There has been an illicit relation between the petitioner and the victim and this case has been lodged implicating the petitioner falsely. Petitioner is in custody since 13-02-2026. So, considering the period of detention, the prayer for bail of the accused/petitioner should be allowed.

On the other hand, Learned Public Prosecutor raises objection regarding the prayer for bail under Section 483 of the BNSS. It is submitted that on the date of incident at night accused/petitioner grabbed her from behind and dragged her forcefully to a dark place and fell down there and committed rape against her will.

De-facto complainant appears by filing vakalatnama and raises strong objection regarding the prayer for bail under Section 483 of the BNSS

Considered the submissions of both sides.

Perused the materials on record and CD.

Having heard the submissions of both sides, as aforesaid and perusing the materials in LCR and CD, injury report, statement of the victim recorded under section 183 of the BNS and other materials placed before me, it appears that there has been allegation that she was taken forcefully by the petitioner and thereafter committed rape upon her but from medical document it appears that she refused medical examination, which is main document for proof of committing rape.

It has been alleged that she was forcefully taken but there is no separate injury report, neither victim made any statement before the doctor in this regard, meaning thereby offence of injury as has been brought before the court, there is nothing to substantiate the same.

However, considering the materials in the CD and medical document and also considering the period of detention, I am inclined to allow the prayer for bail under section 483 of the BNSS to the accused/petitioner.

Hence, the prayer for bail of under Section 483 of the BNSS of stands **allowed.**

Accordingly, the accused/petitioner, may find bail of Rs. 4000/- with two sureties of Rs.2000/- each, subject to the satisfaction of Learned Chief Judicial Magistrate, Nadia at Krishnagar, on condition that if on bail, he shall appear before the concerned Learned Court on each and every date, in default, to judicial custody. CD and LCR be returned.

Criminal Misc. Case, is, thus, finally disposed of.

Dictated & Corrected by me  
Sd/- Debdeep Manna  
Sessions Judge, Nadia  
(In-Charge)  
**20-03-2026**

Sd/- Debdeep Manna  
Sessions Judge, Nadia  
(In-Charge)  
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