

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.279/2026
CNR WBUD01-000555/2026

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
03/09.03.2026

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioner **Swapna Sarkar** in connection with Kaliyaganj P.S. Case No.48/2026 dated 30.01.2026 vide GR 285/2026 u/s 109(1)/115(2)/118(2)/351(2)/74/3(5) B.N.S is taken up for hearing.

Learned Advocate for the petitioner by filing an affidavit submits that no such application under section 482 of B.N.S.S is either rejected or pending in this Court or before the Hon'ble Higher Courts prior to this application.

On query, Ld. Public Prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by Hon'ble Higher Courts.

Ld Advocate for the petitioner submits that the primary allegations are in respect of offence punishable u/s 109 B.N.S. This is a case of landed dispute. There is no such materials against the petitioner to attract the provision of sec.109 B.N.S. Ld Advocate further submitted that this petitioner is an aged woman. There is no material in the FIR against this petitioner. Ld Advocate accordingly prayed for anticipatory bail on any condition.

Ld Public Prosecutor raised formal objection and submitted that there is statement of the victim recorded u/s 183 B.N.S.S. Ld PP left the matter to the discretion of this Court.

Ld Advocate for the de facto complainant submitted that the allegation is against all the accused persons. Ld Advocate further submitted that the injury is of a greivous nature. Considering the same, the prayer for bail in respect of the petitioner may be rejected.

I have perused the FIR and other relevant documents available in the case record. It appears that in the FIR, there is allegation of abuse against this petitioner. Apart from that there is no other allegation against this petitioner. Other allegations of assault in the FIR have been grossly made. There is no specific allegation against this petitioner. However, it appears that there is allegation of assault against accused no.1 Bijoy Sarkar and accused no.2 Sunil Sarkar as appearing in the FIR.

Perused the CD including statements of witnesses recorded u/s 180 B.N.S.S. I have perused the statement of the victim recorded u/s 183 B.N.S.S. From such statements, it appears that primary allegation is against FIR named accused no.1 Bijoy Sarkar. There is some allegations of committing mischief and causing loss of property as brought against all the accused persons.

(Contd...)

I have perused the injury report of the victim.

It appears from the CD that there are some allegations brought against this petitioner. But, at this stage, the primary concern is whether custodial interrogation is necessary or not.

Considering entire facts and circumstances of this case, at this stage, I am of the view that prayer for anticipatory bail of the female petitioner should be allowed. Accordingly, prayer for anticipatory bail u/s 482 of B.N.S.S is hereby considered and allowed.

Accused/Petitioner namely **Swapna Sarkar**, in the event of arrest, in connection with Kaliyaganj P.S. Case No.48/2026 dated 30.01.2026 vide GR 285/2026, be released on furnishing bail bond of Rs.5,000/- with one surety of like amount, subject to the satisfaction of the Arresting Officer. If on bail she shall comply with the provisions of section 482(2) of B.N.S.S.

Thus, the Criminal Misc Case is disposed of accordingly. Return LCR and CD.

Let a copy of this order be sent to Ld C.J.M, Uttar Dinajpur for information and necessary action.

Dictd. & cortd.

S.J-in ch.

Sessions Judge-in ch, U/Dinajpur.