

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.353/2026
CNR WBUD01-000700/2026

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
02/17.03.2026

This application for bail u/s 483 of B.N.S.S filed on behalf of present accused/petitioner **Sunil Barman** in connection with Raiganj P.S. Case No.240/2026 dated 06.03.2026 vide GR 614/2026 u/s 64 B.N.S is taken up for hearing.

Learned Advocate for the accused/petitioner by filing an affidavit submits that no such application u/s 483 of B.N.S.S is 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 accused/petitioner submits that in this case the victim lady is shown as a 65 year old woman. The FIR has been lodged by her daughter-in-law. There is allegation that the accused committed rape of the victim. Ld Advocate further submitted that there is no such material to attract the provision of sec.64 of B.N.S. The entire facts relates to some other circumstances but the de facto complainant has willfully lodged the FIR with the allegation of rape upon the victim. Ld Advocate further submitted that still now the victim has not been produced for getting her statement recorded by any Ld Judicial Magistrate. The accused was arrested and is in custody since 06.03.2026. Ld Advocate submitted that further detention of this accused in custody is not required in the interest of investigation.Ld Advocate, accordingly, prayed for bail on any condition.

Ld Public Prosecutor submitted that there is allegation of committing rape upon the victim as found in the FIR. Ld PP further submitted that the statement of the victim and also the de facto complainant can be found in the CD. Considering the nature of allegation, Ld PP prayed for rejection of bail application.

I have perused the FIR and other relevant documents available in the case record. I have perused the CD including statements of witnesses recorded u/s 180 B.N.S.S. I have perused the medical examination report of the victim.

From such medical examination report, it can be found that there is a history of attempting to commit rape upon the victim as stated by the victim herself. It can also be found from the medical examination report that no injury of any type was found on the body of the victim.

I have perused the CD, from which it appears that neither the statement of the victim nor that of the de facto complainant has been recorded u/s 183 B.N.S.S.

(Contd....)

Considering entire circumstances and keeping in mind that further custodial detention of the accused is no more required in the interest of investigation, I am inclined to allow the prayer for bail. Accordingly, prayer for bail u/s 483 B.N.S.S is hereby considered and allowed.

Accused/petitioner namely **Sunil Barman** may find bail of Rs.6,000/- with one surety of like amount, subject to the satisfaction of Ld C.J.M, Uttar Dinajpur at Raiganj.

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