

01.05.2025

Item No.DL29
Court No. 28
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1398 of 2025

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Murutia Police Station case no.66 of 2025 dated 27.03.2025 under Sections 109, 117(2), 82(1), 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-and-

In Re : **IRFAN SARDAR**

.....Petitioner

For the Petitioner :

Mr. Santanu Talukdar
Mr. Amanul Islam
Mr. Sourav Mukherjee

.....Advocates

For the State :

Mr. Pravas Bhattacharya
Ms. Trisha Rakshit

.....Advocates

For the De facto Complainant :

Mr. Priyankar Ganguly
Ms. Shalini Bairagi

.....Advocates

Learned counsel appearing on behalf of the petitioner submits as follows. The de facto complainant is the first wife of the petitioner. The marriage took place 14 years ago. The couple has two sons. On the day that the petitioner brought a second wife to the house, there was a scuffle between the petitioner and the first wife. Both sides suffered injuries.

Learned counsel appearing on behalf of the de facto complainant submits that during the subsistence of marriage

there have been several occasions on which the husband had assaulted the first wife.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and relies on the injury report and statements of witnesses.

It does not appear that the injury inflicted was grievous in nature.

In view of the nature of allegations and the fact that the first wife was assaulted on that particular day, although I do not think that the custodial interrogation of the petitioner is required in this case, there is a requirement to restrict the movement of the petitioner at least for a limited period.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that he shall cooperate with the investigation and shall meet the Investigation Officer of the case once a week till submission of report in final form and he shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall also stay outside the jurisdiction of Thanapara Police Station for a period of six months from this date except for the purpose of meeting the Investigating Officer or attending the jurisdictional Court.

The application for anticipatory bail being **CRM(A) 1398 of 2025** is, thus, **allowed**.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)