

18.08.2025
SL.15
Ct.No.28
NB

CRM (A) 1940 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 in connection with English Bazar P.S. Case No.39 of 2025 dated 07.01.2025 under Sections 85, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of The Dowry Prohibition Act pending before the learned Chief Judicial Magistrate, Malda.

And

In the matter of: Bikram Rajak petitioner

Mr. Arup Kumar Bhowmick,
Mr. Dhananjay Banerjee,
Mr. Pralay Hazra.
...for the petitioner.

Mr. Imran Ali,
Mr. Sujoy Sarkar.
...for the State.

Supplementary affidavit filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the de facto complainant/wife. The de facto complainant left the matrimonial home about four months after marriage. The petitioner has given a letter to the de facto complainant dated 05.08.2025 asking her to return to her residence. But, there was no response forthcoming.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he admits that there is no injury report available in the case diary.

Considering the materials on record and the fact that the petitioner has recently offered the wife to return to her residence, I

do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses and the petitioner shall meet the Investigating Officer once a week till submission of report in final form.

The application for anticipatory bail being **CRM (A) 1940 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.)