

30.07.2025
Sl. No.61
Ct. 28
NB

C.R.M. (A) 2390 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 Nalhati PS Case No.219/2025 dated 09.05.2025 under Section 85 and adding Section 117(2)/109(1) of the Bharatiya Nyaya Sanhita, 2023 pending before the Learned Additional Chief Judicial Magistrate Rampurhat, Birbhum.

And

In the matter of: Nabir Ali

... petitioner

Mr. Prosenjit Mukherjee,
Mr. Samrat Bannerjee,
Mr. Raja Roy.

...for the petitioner.

Mr. Siladitya Banerjee,
Ms. Chandreyi Dutta.

...for the State.

Ms. Babita Pramanik,
Mr. N. K. Das.

...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The marriage between the couple took place in 2016. The last child was born in 2024. There is a delay of about one day in lodging the FIR. The petitioner is the husband of the de facto complainant/opposite party. Incidentally, the couple is staying together.

Learned counsel appearing on behalf of the de facto complainant files a vakalatnama, which is taken on record and submits that the couple is indeed staying together at present.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He points to the medical documents, injury reports and the statements of neighbours.

Considering the fact that the marriage between the couple took place in 2016 and the couple is still staying together, I do not consider this to be a case where custodial interrogation of the petitioner would be required 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 meet the Investigating Officer once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM (A) 2390 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.)