

28.10.2025
Court No.28
Item No.30
tbsr
Allowed

CRM (A) 3222 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Rabindra Sarobar** P.S. Case No.**80 of 2025** dated **06.07.2025** under Sections **85/305/351(3)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.
And

In the matter of: Surajit Biswas

....Petitioner.

Mr. Antarikhya Basu
Mr. Shibasish Banerjee
Ms. Madhumita Basak
...for the petitioner.

Ms. Sayanti Santra
Mr. Raju Mondal
.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is not the principal accused in this case. He is the husband of the alleged paramour of the principal accused. The principal accused being the husband and the said alleged paramour and another were granted anticipatory bail by this Court on 26.08.2025 in CRM (A) 2664 of 2025 and CRM (A) 2676 of 2025. The Investigating Officer did not even bother to send a notice under Section 35(3) of the BNSS to the present petitioner. The marriage between the couple took place 27 years ago. The husband had alleged that he had been ousted from his own house. An altercation took place when the husband went to his own house to collect his clothes.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Considering the nature of allegations, the materials available in the case diary, the alleged role ascribed to the present petitioner and the fact that three other co-accused were granted anticipatory bail by this Court earlier, I am inclined to grant anticipatory bail to the petitioner.

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall cooperate with investigation, shall meet the I.O. as and when required and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)