

07.11.2025
Court No.28
Item No.52
ssi

CRM (A) 3293 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Jhargram Woman PS Case No. **44 of 2025** dated **12.07.2025** under Sections 85/3(5) of the BNS, 2023 and 4 DP Act and 3 (1) (r) (z) (zc) SC & ST (Prevention of Atrocities) Act.

And

In the matter of: **Sourav Mishra @ Sourav Kumar Mishra**
.....Applicant/Petitioner

Mr. Asis Bhattacharyya
Mr. B. Mitra
Mr. Lucky Parta

...for the petitioner

Mr. Siladitya Banerjee
Ms. Paulami Bose

..for the State

Heard the learned counsels for the parties.

Perused the case diary.

It is an unfortunate case where a dispute arose between the de facto complainant wife and the husband and his relatives over acceptance of a marriage between persons belonging to two different castes.

Considering the materials available in the case diary including the statements of witnesses supporting the prosecution case, this appears to be a case where husband and some other relatives expressed their inability to take back the alleged victim to the maternal home as she belonged to a so-called “lower caste”. But, all these were allegedly said over telephone and not in a public view. Hence, the provisions of Section 3 (1) (r) (z) (zc) SC & ST (Prevention of Atrocities) Act would not be prima facie applicable.

Therefore, in view of the decisions of the Hon’ble Apex Court in Prathvi Raj Chauhan –vs- Union of India & others reported at (2020)

4 SCC 727, where a prima facie case is not made out under such provisions, anticipatory bail can be granted in appropriate circumstances with a cautious exercise of power.

In view of the above and considering the facts and circumstances of the case as discussed above, I find the application for anticipatory bail quite maintainable.

The petitioner is the husband of the alleged victim.

Considering the materials available in the case diary and the alleged roles ascribed to each of the present petitioner, 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, the application for anticipatory bail of the petitioner is allowed.

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 co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the Investigating Officer once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)