

11.02.2025  
Court No.01  
rpan/ 24

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI**

**CRM (A) 60 of 2025**

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023;

And

**In Re: Niraj Kumar Shah**

- Petitioner.

Mr. Sudip Guha  
...for the Petitioner.

Mr. Ujjwal Luksom,  
Ms. Namrata Das  
...for the State.

Apprehending arrest in connection with Bhaktinagar Police Station Case No.1096 of 2024 dated 22.11.2024 under Sections 85/76 of the Bharatiya Nyaya Sanhita, 2023, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner is the husband of the victim. The incident occurred about 13 years after the marriage. The allegations against the petitioner are omnibus in nature and no notice under Section 41A of the Court has also been served. Specific overt acts were attributed to the sister-in-law and the husband of the sister-in-law. They were issued notices under Section 41A of the Court and subsequent thereto, they have been enlarged on bail. In the said conspectus, custodial interrogation of the petitioner may not be necessary.

Mr. Luksom, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials on record against the petitioner.

Upon considering the materials on record, including the statement of the witnesses, the injury report, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary, moreso when upon completion of investigation chargesheet has already been submitted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Niraj Kumar Shah** 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with further condition that he shall attend the trial court on all the dates as fixed for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 60 of 2025, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Prasenjit Biswas, J.)**

**(Tapabrata Chakraborty, J.)**