

23. 10.04.2025
Court
No.1 (Tanmoy)

Allowed

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

CRM (A) 272 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Ghoksadanga Police Station Case No. 95/2025** dated **17/02/2025** under Sections **85/117(2)** of Bharatiya Nyaya Sanhita, 2023 read with Sections **3/4** of Dowry Prohibition Act, 1961.

And

In the matter of: - **Rafiul Islam**

...petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioner.

Mr. Ujjwal Luksom
Ms. Namrata Das

...for the State.

1. The petitioner is the husband of the victim lady. He says that the First Information Report (FIR) was lodged three months after the alleged incident. He and his family members have been falsely implicated. The other accused persons have all been granted anticipatory bail. He also prays for pre-arrest bail saying that he will extend full co-operation to the Investigating Officer.
2. I have seen the injury report from the case diary produced by learned State Advocate who opposes the prayer for anticipatory bail. The injury is of simple nature. I have also seen statements of witnesses recorded under Section 161 of the Criminal

Procedure Code, 1973 (corresponding to Section 180 of Bharatiya Nagarik Suraksha Sanhita, 2023). The allegations are general and omnibus in nature.

3. On an overall assessment of the material on record and the nature of the allegations, I am of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as he fully co-operates with the Investigating Officer.
4. Accordingly, in the event of arrest, the petitioner, namely, **Rafiul Islam**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting Officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing when trial commences and shall report to the Investigating Officer of the case, once every fortnight, until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.
5. In case the petitioner fails to adhere to any of the conditions stipulated above, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
6. The application for anticipatory bail being CRM (A) 272 of 2025 is accordingly disposed of.

7. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)