

AD-3
Ct No.01
Jalpaiguri
15.05.2025
sp

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 303 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.

And

In the matter of: Subu Rai @ Sabu Rai.

.... Petitioner.

Md. Shoaib Akhtar.

..for the petitioner.

Mr. Nilay Chakraborty,
Ms. Sukanya Adhikary.

..for the State.

Ms. Rimita Subba.

..for the de facto complainant.

1. The de facto complainant is represented and files vakalatnama, which is kept on record.
2. The substance of the case against the petitioner is that he has forged the signature of his wife in the service records. The name of the wife is the same in such service records post alleged interpolation.. There were some overwriting and a different fingerprint and interpolation on the service records with a different handwriting.
3. The fact, however, remains that the name of the wife in the service records remains the same. There are proceedings for

divorce pending between the petitioner and his wife where she has claimed maintenance.

4. The entitlement of maintenance is de hors any change made in the service records of the applicant. If, indeed, the petitioner wanted to delete the name of his wife as beneficiary of his terminal benefits from service records, he could do so even by a formal application.
5. In the backdrop of the above, this Court is of the view that the charge against the petitioner, as alleged by his wife, appears to be rather flimsy.
6. Having regard to the facts and circumstances of the instant case and having perused the case diary, this Court is of the view that the petitioner has made out a case for anticipatory bail.
7. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a Bond of Rs. 500/-, with two sureties of like amount each, one of whom must be local subject to the conditions that the petitioner shall appear before the Investigating Officer of the case as and when summoned.
8. This order is subject to the conditions laid down in subsection (2) of Section 438 of the Code of Criminal Procedure corresponding to Section 482(2) of the BNSS, 2023.
9. The Case Diary be returned.
10. CRM (A) 303 of 2025 is, thus, disposed of.

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

(Rajasekhar Mantha, J.)