

16.06.2025

Item No.28

Ct.No.2

dc.

Partly Allowed

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

C.R.M. (A) 337 of 2025

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sahebganj Police Station Case No. 618 of 2024 dated 23.10.2024 {G.R. (I) Case No.738/2024} under Sections 85/75(2)/76/109/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3/4 of the D.P. Act.

And

In Re : **Biswajit Barman and Others**

... Petitioners.

Mr. Swarup Das

... For the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das

... For the State.

Pursuant to the earlier directions passed by this Court, the police authorities have submitted a report along with a statement of the de facto complainant which reflects that there has been no compromise and/or any change of circumstances in the relationship which turned bitter pursuant to the *de facto* complainant having been assaulted and physical injuries being inflicted upon her. Let the said report dated 16.06.2025 be kept with the record.

The application for anticipatory bail is taken up on merits.

Learned advocate appearing for the petitioners submits that the petitioners are innocent of the charges and

have been falsely implicated in connection with the instant case after eight years of marriage.

Learned advocate appearing for the State has produced the case diary and drew the attention of the Court to the statement of the *de facto* complainant along with the injury reports.

I have assessed the representation made by the *de facto* complainant/victim before the doctor. On an assessment of the same, I am of the view that the prayer for anticipatory bail of the petitioner no.1 namely Biswajit Barman being the husband and petitioner no.2 namely Gangadhar Barman being the father-in-law should be **rejected** while that of the petitioner no.3 namely Balaram Barman being the husband of the sister-in-law should be **allowed**.

Accordingly, in the event of arrest, the petitioner no.3 namely **Balaram Barman** 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 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

The application for anticipatory bail, being CRM(A) 337 of 2025, is, thus, disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)