

01.07.2025
Sl. No.12
Court No.3
Ali
Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 431 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Pradhan Nagar Police Station Case No. 414 of 2025 dated 16.06.2025 under Sections 316(2)/318(4)/351(2)/3 of the Bharatiya Nyaya Sanhita.
And

In the matter of: **Rajesh Agarwal**

...petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das

.....For the Petitioner

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

.....For the State.

This is an application for anticipatory bail.

Petitioner apprehending arrest in connection with Pradhan Nagar Police Station Case No. 414/2025 dated 16.06.2025 under Sections 316(2)/318(4)/351(2)(3) of the Bharatiya Nyaya Sanhita corresponding to P.T.N. Case No. 3352 of 2025 pending before the learned Additional Chief Judicial magistrate at Siliguri.

Learned counsel for the petitioner submits that the instant FIR was lodged on 16.06.2025 prior to that, the wife of the petitioner has lodge a complaint with the OC, Panitanki Outpost, Police Station, Siliguri on 16.02.2024 against the de-facto complainant. He further submits that the allegation in the FIR is false and concocted. He never serve with a notice under Section 35(3) of BNSS. So, he prayed for bail in any condition.

Learned advocate on behalf of the State raised strong objection and submits that the allegation in the FIR has been substantially proved by collection of evidence of the IO during the course of investigation. The statements of available witnesses were recorded moreover, the prima facie allegation against the present petitioner has been proved. Thus, the prayer may not be considered.

Having heard the learned counsel for the parties also considering the CD it appears to me that though IO has collected some evidences during the course of investigation, it appears that no notice has been served upon the present petitioner under Section 35 (3) BNSS. Moreover, there are evidences of earlier FIR lodged by the wife of the present petitioner against the de-facto complainant.

Considering the circumstances and the nature of the offence alleged against the present petitioner, it appears to this Court that custodial interrogation of the petitioner is not necessary; the present petitioner is entitled to get a favourable order. Accordingly, the prayer for anticipatory bail of the petitioner is considered and allowed.

Accordingly, it is directed that in the event of arrest, the petitioner, namely, **Rajesh Agarwal** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two registered sureties of like amount each, subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri on condition that the petitioner must meet before the Investigating Officer once in a week until further order and shall also comply with

the provisions as laid down under Section 438 (2) of Code of Criminal Procedure.

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

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)