

09.07.2025

Item No.23

Ct.No.02

rc.

Allowed

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

C.R.M. (A) 479 of 2025

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naxalbari Police Station Case No. 67 of 2025 dated 24.04.2025.

And

In Re : **Chandan Mandal**

... Petitioner

Mr. Bablu Mitra

Ms. Rupa Shil

... for the Petitioner

Mr. Ujjwal Luksom

Dr. Arjun Chowdhury

... for the State

Ms. Rishita Chakraborty

...for the defacto complainant

On prayer of the petitioner, liberty is granted to implead the defacto complainant as opposite party no. 2 in the application. The cause title of the application be amended accordingly.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is the brother in law of the defacto complainant and has been falsely implicated. No notice under Section

35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 was served upon him. Co-accused are on bail.

Learned counsels for the State and defacto complainant oppose the prayer.

Learned counsel for the State submits that notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 was sent to the petitioner but could not be served upon him as he was found absent on the relevant date. No further attempt for service of notice upon him was made.

I have considered the material on record. Though there are serious allegations against the petitioner in the written complaint, the defacto complainant has deviated from the same in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner appears to be similarly circumstanced with the co-accused who are on bail. The statement also records that the defacto complainant is ready and willing to reconcile with her husband.

Upon considering the material on record as well as extent of complicity of the petitioner in the alleged offence, this Court is inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner **Chandan Mandal** be released on bail on furnishing bond of Rs.10,000/-(Rupees Ten Thousand only), with two sureties of

like amount each, to the satisfaction of the arresting officer and subject to provision under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner shall appear before the jurisdictional Court and pray for regular bail within two weeks from date.

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

Case Diary be returned.

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

(Suvra Ghosh, J.)