

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

20.11.2025
4(DL)
Ct. No.3
srm
(Rejected)

C.R.M. (A) 623 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Cooch Behar Kotwali P. S. Case No.384 of 2025 dated 22.04.2025 under Sections 85/103/3(5) of the Bharatiya Nyaya Sanhita corresponding to G.R. Case No.769 of 2025 pending before the learned Chief Judicial Magistrate, Cooch Behar.

In the matter of : Binodini Barman & Anr.

... Petitioners.

Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, PP-in-Charge
Mr. Nilay Charaborty, APP
Mr. Subhasish Misra

...for the State.

1. State files status report which is taken on record.
2. Learned Advocate for the petitioners submit that there is unexplained delay of 11 months in lodgment of the FIR. The case has been initiated on the basis of a complaint lodged in court under Section 175(3) of the Cr.P.C. by the father of the deceased. Such delay makes the case of the prosecution is unacceptable. There is no such specific allegation against these petitioners who happen to be mother-in-law and brother-in-law of the deceased. He seeks for anticipatory bail in favour of the petitioners.
3. Opposing such prayer for anticipatory bail, learned Additional Public Prosecutor submits that the delay has

been duly explained in the petition under Section 175(3) of the Cr.P.C. There are serious allegations against the petitioners of their involvement in the offence. The victim has died within seven years of marriage. The investigation is under progress. He seeks for dismissal of the prayer for anticipatory bail.

4. Perused the case diary and materials on record.
5. From the statement of the witnesses, it is found that there are allegations against the petitioners of their involvement in the alleged offence. As per the *post mortem* report, death was due to asphyxia as a result of *ante mortem* hanging. There cannot be any quarrel that the deceased died on 21st March, 2024 and the petition under Section 175(3) of Cr.P.C. is filed on 21st February, 2025. As such, there is a delay of almost 11 months. Be that as it may, the complainant in his complaint under Section 175(3) of Cr.P.C. has disclosed the ground of delay. Hence, the argument in this regard on behalf of petitioners does not hold good. Considering the aforesaid materials and the nature and gravity of the offence, I am not inclined to grant anticipatory bail to the petitioners.
6. Thus, the prayer for anticipatory bail is rejected.
7. **CRM (A) 623 of 2025** stands dismissed.

(Bivas Pattanayak, J.)