

19.11.2025
Item no. 16 (DL)
Court No.3
AN
(Partly Allowed)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 722 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with Matigara P.S. Case No. 428 of 2023 dated 05.06.2023 under Sections 447, 426, 379, 326, 307, 506, 34 of Indian Penal Code corresponding to G.R. Case No. 1995 pending before the Court of learned Additional Chief Judicial Magistrate, Siliguri.

In the matter of : **Pratima Limbu & anr.**

... Petitioner.

Ms. Sidhi Sethia

...for the Petitioner.

Mr. Abhijit Sarkar

Mr. Kallol Nag

...for the State.

1. Learned Advocate for the petitioner submits that petitioner no. 1 is the wife and petitioner no. 2 is the son of the *de facto* complainant. There were long standing civil disputes between the *de facto* complainant and his wife, petitioner no. 1 herein. Previously, petitioner no. 1 lodged an F.I.R. in the year 2021 over an incident in which she sustained serious injuries on being assaulted by her husband, the *de facto* complainant herein. After grant of bail in the case initiated at the instance of the wife, the *de facto* complainant has lodged instant criminal complaint against the petitioners on false implication. Upon

amicable settlement of disputes between the parties, a deed of gift has been executed in favour of the *de facto* complainant by the son, petitioner no. 2, on 26th May, 2023 in respect of a land comprised within Mouza Jitu. Subsequent thereto, the *de facto* complainant has expired. The Petitioner no. 1 is suffering from Parkinson's disease. She seeks for grant of anticipatory bail to the petitioners.

2. Opposing such prayer for anticipatory bail, learned advocate for the State submits that in the said incident, two persons sustained injuries including the *de facto* complainant who had head injuries. He seeks for dismissal of the anticipatory bail application.
3. Perused the case diary and the materials on record.
4. It is not in dispute that previously, the petitioner no. 1 lodged a complaint before the Matigara Police Station registered as Matigara Police Station Case No. 609 of 2021 dated 3rd July, 2021 under Section 498A/307 of the Indian Penal Code read with Section 35 of the Arms Act against the complainant. Thereafter, the present complaint has been lodged by the complainant against his wife and the son. The injury report of the complainant shows that he sustained fracture in the lateral end of clavical. There are allegations against petitioners alongwith others of attacking the complainant. Be that as it may, considering the age of the petitioner no. 1, being the wife of the complainant and previous litigations

including applications thereto under the provisions of the Protection of Women from Domestic Violence Act in which protective orders have been passed, I am inclined to grant anticipatory bail in favour of petitioner no. 1.

5. Considering the nature of allegations against petitioner no. 2 and the type of injuries sustained by the complainant, I am not inclined to extend the benefit of anticipatory bail in favour of petitioner no. 2, Aman Subba. Hence the same stands rejected.
6. Accordingly, in the event of arrest the petitioner no.1 namely **Pratima Limbu** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner no. 1 is directed to cooperate with the Investigating Officer.
7. This application for anticipatory bail is, thus, allowed in part.
8. **CRM (A) 722 of 2025** stands disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)