

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

18.11.2025
20 (DL)
AN
(REJECTED)

C.R.M. (A) 733 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Samuktala P.S. Case No. 104 of 2025 dated 11.05.2025** under Section 109/115(2)/55/85 of the Bharatiya Nyaya Sanhita, 2023 read with Section 3/4 of Dowry Prohibition Act, 1961 corresponding to G.R. Case No. 827 of 2025 pending before the learned Chief Judicial Magistrate, Alipurduar, West Bengal.

In the matter of : **Tapash Sarkar**

... Petitioner.

Mr. Subham Ghosh
Mr. Mayank Roy

...for the Petitioner.

Mr. Kallol Acharjee
Mr. Dhiman Sil

...for the State.

1. Learned advocate for the petitioner submits that the allegations against the petitioner are precisely of assaulting and throttling. The application for anticipatory bail of the petitioner was rejected by the learned Sessions Judge, Alipurduar on the basis of an injury report which revealed of fracture on the left little finger. The nature of injury is not that grievous. He seeks for grant of anticipatory bail in favour of the petitioner.
2. On the contrary, opposing such prayer for anticipatory bail, learned advocate for the State submits that there are specific allegations against the petitioner of assaulting the

victim resulting in her injury which is supported by medical documents. He seeks for dismissal of the application for anticipatory bail.

3. Perused the case diary and the materials on record.
4. On going through the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, it is found that there is specific allegation against the petitioner of throttling and assaulting the victim. The injury report at the first instance though records of simple injury but upon considering the report of X-Ray, it has been opined by the doctor concerned that the nature of injury is grievous one with fracture on the left little finger. Considering the aforesaid materials and the nature and gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner.
5. Thus, the prayer for anticipatory bail is rejected.
6. The application being **CRM(A) 733 of 2025** stands dismissed.

(Bivas Pattanayak, J.)