

AD 15
February 18, 2026
Ct. 28
SG

Allowed

CRM(A) 198 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Barrackpore Women P.S. Case No.93 of 2025 dated 11.11.2025 under Section 69 of the BNS, 2023.

And

In the matter of: *Dr. Mithun Biswas*

... *petitioner*

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Avik Ghatak
Mr. S.K. Chakraborty
Mr. Mayukh Majumder
Mr. Akash Ghosh

... for the petitioner

Mr. Suman De
Ms. Mausumi Sarkar

... for the State

Mr. S. Das

... for the de facto complainant

Learned senior counsel representing the petitioner submits that the petitioner is a doctor. He lost his wife in the year 2021. He has a son aged about six years. After the death of his wife, he got acquainted with the present de facto complainant over a matrimonial website. Initially, the de facto complainant was good to the child. However, later on her emails would show that she spewed venom towards the child. She wanted to send the child somewhere, so that the two could stay together. Even in the FIR, she admitted that she had entered into physical relationship with the petitioner on several occasions at different places, including hotels. Even after lodging the FIR, she sent emails, first issuing threats to the petitioner and thereafter requesting him to

unblock her so that the two could speak. The language used in the communications is so vulgar that the same cannot be read in open Court. The petitioner has clearly been falsely implicated in this case.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that this is a clear case of deceit practiced by the petitioner, wherein the alleged victim was even asked to go to the marriage registry office, forms were filled up, but the entire exercise was not completed.

Learned counsel for the State opposes the prayer for anticipatory bail and relies on the statements of the victim recorded before the learned Magistrate and other materials in the case diary. However, the case diary does not contain statement of any independent witness.

Considering the above, the other materials available in the case diary and the fact that there was some kind of a relationship between the two adults for a certain length of time and that a charge-sheet has been submitted, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure,

1973 corresponding to Section 482(2) of the BNSS, 2023 and on the further conditions that the petitioner shall surrender before the jurisdictional court within four weeks from this date and pray for bail, attend the jurisdictional court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)