

27.02.2026
Court No.28
Item No.28
tbsr
Allowed

CRM (A) 422 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Katwa** P.S. Case No.**927 of 2025** dated **04.12.2025** under Sections **127(4)/115(2)/69/351(2)/3(5)** of the BNS.

And

In the matter of: **XYZ**

....Petitioner

Mr. Husen Mustafi

Ms. Suhana Parvin

....for the petitioner

Mr. Bidyut Kr. Roy

Mr. Pravas Bhattacharya

....for the State

Mr. Ramashis Mukherjee

Mr. Rameshwar Sinha

....for the de facto complainant

Report filed on behalf of the State is taken on record.

Certified copy and a copy of certified copy application orders passed in a proceeding for divorce filed by the petitioner against the alleged survivor, as filed on behalf of the petitioner, are also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. The alleged survivor happens to be the wife of the petitioner. He submits that after the alleged victim went missing, he lodged a missing diary in the Police Station on 26.10.2025. In the month of November, 2025 he filed a divorce suit. After all these, on 04.12.2025 the present FIR was lodged. The alleged survivor in a proceeding under the Guardians and Wards Act regarding her earlier marriage had given her address as the address of the petitioner where she was

allegedly kept confined.

Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the alleged survivor was in fact kept confined and there is no marriage between the two.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the victim and the statements of other witnesses and the medical examination.

Considering the above, the other materials available in the case diary and the documents regarding filing of an application for divorce prior to the lodging of the FIR, I do not think that custodial interrogation of the petitioner is required in this case and 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/- 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 further condition that the petitioner shall cooperate with investigation, shall meet the I.O. once a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)