

AD 41
February 23, 2026
Ct. 28
SG

Allowed

CRM(A) 443 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Serampore P.S. Case No.30 of 2026 dated 09.01.2026 under Sections 109/115(2)/118(2)/3(5)/351(2)/351(3)/85 of the BNS, 2023.

And

In the matter of: *Santosh Kumar Modak* ... petitioner

Mr. Nilendra Narayan Roy
Mr. Naskar Pal

... for the petitioner

Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharya

... for the State

Mr. Tanmoy Chowdhury
Ms. Neha Ghosh
Mr. Debottam Das

... for the de facto complainant

Learned counsel for the petitioner submits that the petitioner is the husband of the alleged victim. The marriage took place about 26 years ago. The petitioner has been falsely implicated in this case.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that on the particular day, the petitioner attempted to set the victim on fire. Burnt articles were recovered from the place of occurrence. Fortunately, the victim did not suffer any burn injuries, but she had suffered other injuries.

Learned counsel for the State opposes the prayer for anticipatory bail and relies on the statements of the victim and other witnesses including the daughter of the victim. He

submits that the daughter had stated that her father used to torture her mother regularly. On the particular day, he attempted to set her mother on fire. She was severely injured by other injuries inflicted by her father. Even her maternal uncle was also beaten up. He also relies on the injury report which shows multiple cut injuries on right flexor side of forearm and other parts of the body. An injury report also shows injuries inflicted on the brother-in-law of the petitioner.

Considering the above and the other materials available in the case diary, although I am inclined to grant anticipatory bail to the petitioner, his movement needs to remain restricted for a limited period.

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 cooperate with the investigation, shall meet the investigating officer once a week till submission of report in final form, shall stay outside the jurisdiction of Serampore Police Station for a period of six months except for attending the jurisdictional court or for meeting the investigating officer 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.)