

12.03.2026
Court No.28
Item No. 16
tbsr
Allowed

CRM (A) 539 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Farakka** P.S. Case No.**09 of 2026** dated **05.01.2026** under Sections **109/3(5)/85** of the BNS, 2023.

And

In the matter of: **Jayanta Mondal**

....Petitioner.

Mr. Jisan Iqbal Hossain
...for the petitioner.

Mr. D. Chatterjee
Mr. Manoranjan Mahata
....for the State.

Mr. Kiron Sk.
Mr. Sayed Hossain
Mr. Parvez Ahamed
Mr. Jamiruddin Sk.
....for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The marriage took place about four years ago. There is a child who is now staying with the lady. An altercation took place between the petitioner and the victim, but no grievous injury was suffered by anyone. The petitioner is still willing to stay with the wife and child. The petitioner has taken advantage of her position as a nurse and tried to obtain medical papers.

Learned counsel appearing on behalf of the de facto complainant denies the allegations and strongly opposes the prayer for anticipatory bail. He submits that although the wife wishes to stay with her husband, but she is scared of further assault or misbehaviour by him.

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

Considering the above and the other materials available in the case diary, 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. However, the movement of the petitioner needs to be 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/- 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 and shall stay outside the jurisdiction of Farakka Police Station for a period of four months except for meeting the Investigating Officer or attending the jurisdictional Court.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)