

07.04.2026
Sl. No.45
Ct. 28
NB

C.R.M (A) 1062 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Debra PS Case No.43/2026 dated 27.01.2026 under Sections 85/115(2)/82(1)/351(2) of the BNS, 2023.

And

In the matter of: Gopal Khatua ... petitioner

Mr. Sourav Paul.
...for the petitioner.

Ms. Sujata Das,
Mr. Abhinaba Mukherjee.
...for the State.

Mr. Amit Ranjan Pati,
Ms. Swastika Chowdhury,
Ms. K. Kubra,
Ms. Ilika Nag,
Mr. Avijit Chatterjee.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the de facto complainant. The FIR was lodged after 17 years of marriage. It has been lodged on a mistaken suspicion that the petitioner was having an extra marital affair.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that even after registration of the FIR, the victim has been tortured by the petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the

statements of witnesses including that of the son of the alleged victim.

At this stage, learned counsel for the petitioner submits that the petitioner undertakes not to behave in an improper manner or commit any act of cruelty towards his wife and stay together peacefully.

Considering the above, the other materials available in the case diary and the fact that the petitioner wants to stay with the victim as husband and wife, 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.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall meet the Investigating Officer once a week till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

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.)

