

22.04.2026
Court No.28
Item No.24
tbsr
Allowed

CRM (A) 1192 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Ghola** P.S. Case No.**393 of 2023** dated **02.09.2023** under Sections **195A/326B/341/120B/506/34** of the Indian Penal Code, 1860.

And

In the matter of: Titli Sarkar

....Petitioner.

Ms. Kaushik Gupta, Sr. Adv.

Ms. A. De

...for the petitioner.

Mr. Saibal Bapulli, Id. APP

Mr. Arani Bhattacharya

....for the State.

Mr. Santanu Talukdar

Mr. Amanul Islam

Mr. Sourav Mukherjee

Mr. Raja Das

....for the de facto complainant.

Leave is granted to amend the cause title.

Supplementary affidavit filed on behalf of the petitioner is taken on record.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner is a lawyer. She has given birth to a child two months ago. She has been falsely implicated in this case. The de facto complainant in this case had earlier filed a proceeding under the Protection of Women from Domestic Violence Act against her husband and even alleged that the husband had attacked her with acid. Sometime later, she supposedly entered into a settlement, made a volte face and alleged that the complaint was filed on the wrong advice of the present petitioner.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. She submits that she has been deceived by the petitioner.

Learned APP appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of the alleged victim recorded before the learned Magistrate and the other statements of witnesses. However, he also submits that a prayer has been made to proceed against the de facto complainant for filing a false complaint. It is further submitted that a proclamation has been issued, although the petitioner has not been declared a proclaimed offender.

It is settled law that issuance of proclamation is not an absolute bar to entertaining an application for anticipatory bail. Reliance is placed on the decision in *Asha Dubey Vs. State of Madhya Pradesh*, 2024 SCC Online SC 5633.

It is also quite significant that the petitioner is a lady who has given birth to a child only two months ago.

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.

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 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.)