

12.05.2026
Court No.28
Item No.33
ssi

CRM (A) 1291 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Malda Police Station Case No. 687 of 2025 dated 29.09.2025 under Sections 85/103 (1)/3(5) of the BNS subsequently charge sheet submitted under Section 85/108/3(5) of the BNS.

And

In the matter of: **Asit Halder**

.... Petitioner

Mr. Kazi M. Rahman

...for the petitioner

Mr. Krishnendu Bhattacharya

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail. The first one was rejected by this Court on 06.03.2026 in CRM (A) 472 of 2026 when investigation was going on, *inter alia*, on a charge of Section 103 (1) of the BNS. However, now charge sheet has been submitted only under Sections 85 and 108 of the BNS. Earlier the parents in law, the sister in law and the brother in law of the victim were granted anticipatory bail by this Court on 06.01.2026 in CRM (A) 4172 of 2025.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the post-mortem report and the statements of witnesses.

It appears that the question of grant of anticipatory bail to some other co-accused was taken into consideration by this Court while rejecting the petitioner's prayer for anticipatory bail. The only difference was that at that time, the case was being investigated

under Section 103 (1) of the BNS, among others and now a charge sheet has been submitted not under Section 103, but under Section 108 of the BNS. However, it appears from the statements that the couple had been residing elsewhere for some time. There is an allegation that the present petitioner was torturing the victim/wife even at that other place. About three months prior to the incident, they had moved into the parent's house of the present petitioner.

Considering the above, the other incriminating materials available in the case diary and the alleged role ascribed to the present petitioner, I do not consider this is to be a fit case for granting anticipatory bail.

Accordingly, the application for anticipatory bail is rejected.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)