20.11.2026
Court No.35.
D/L.01.
Rakib

CRM (M) 1422 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ratua Police Station case no. 212 of 2025 dated 18.03.2025 under Sections 85/89/118(2)/109/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Ejaj Ahamed @ Ejaj Ahammed

.....Petitioner.

Mr. Satadru Lahiri
Mr. Safiur Rahaman
Mr. Sourav Paul
.....for the Petitioner.

Mr. Kallol Mondal, Ld. PP
Mr. Pinaki Bhattacharyya
.....for the State.

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Ms. Upasana Banerjee
Mr. Bisal Roy
.....for the De-facto complainant.

Learned advocate appearing for the petitioner submits that petitioner is the husband who has been arrested and is in custody for 258 days, charge-sheet was earlier submitted and other accused persons have been granted liberty of bail/anticipatory bail.

Learned Public Prosecutor appearing for the State has drawn the attention of the Court to the medical documents. He was confronted with the issue as to whether the statement under Section 183 of the BNSS of the victim which refers to five stitches do find support in the medical documents. It has been shown from the Case Diary that the injury report refers to a 1.5 cm scalp laceration.

According to the State there are no documents which are available in the Case Diary so far the stitch which has been referred

to. According to the State the police authorities exerted their efforts for collecting all the medical documents.

I find there are other medical documents which refers to bruise mark, abrasion and swelling.

Learned advocate appearing for the de-facto complainant opposes the prayer for bail and submits continuous torture was inflicted upon the victim. Petitioner is a teacher and there were lack of efforts on the part of the investigating agency for tracing out the present petitioner, who had been evading the process of law for a considerable period of time and was arrested almost after one year after the registration of FIR.

I find that in the charge-sheet 11 persons have been made accused including the husband. The injury reports are present in the Case Diary as referred to. There are certain recoveries also in the present case. Having considered that the genesis of the present case is on the basis of matrimonial dispute and the petitioner is in custody for more than eight months, I am of the opinion that further custodial detention of the petitioner may not be warranted in the facts of the case. As such, prayer for bail of the petitioner is **allowed.**

Accordingly, the petitioner, namely, **Ejaj Ahamed @ Ejaj Ahammed** shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

If on bail, the petitioner shall be physically present on each and every date before the learned Jurisdictional Court and shall not leave the jurisdiction of district of Malda without prior permission of the learned Jurisdictional Court.

Petitioner initially had been evading the process of law and it is directed to the learned jurisdictional Court that if the petitioner is not present on any date without any good reason, then in that case the bail of the petitioner be cancelled without further reference to this Court.

Accordingly, CRM (M) 1422 of 2026 is **allowed.**

The Superintendent of Police, Malda would take steps as he deems fit and proper considering the conduct of the police officers in this case.

The observations made above are only restricted for adjudication of the bail application and should not be considered a final opinion on the merits of the case.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)