

15.01.2026
Serial no. 24
[G.S.D]

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (A) 28 of 2026

In re : An Application under Section **482** of the BNSS, 2023/under Section 438 of the Cr.P.C. in connection with **Siliguri PS Case No. 739 of 2025 dated 09.11.2025 u/s 303(2), 317(2) and 61(2) of the BNS, 2023.**

-And-

In the matter of : Mou Sarkar

... Petitioner(s)

Mr. Subham Ghosh
Mr. Mayank Roy
Mr. Satyam Lama

... for the petitioner(s)

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

... for the State-respondent(s)

Ms. Esha Acharya
Mr. R. Chakraborty

... for the defacto-complainant(s)

Learned advocate for the petitioner submits that as a retaliatory measure, the present case was instituted.

Learned advocates for the defacto-complainant as well as the State are present.

I have perused the case diary. The written complaint, in fact, reflects that there are matrimonial dispute and discord for which the case under PWDV Act, 2005 was initiated by the wife.

The subject-matter of the case relates to taking away cash and jewelleries from the house of defacto-complainant – who happens to be the husband of the present petitioner.

Having considered the nature of the allegations and the fact that there is a history of matrimonial dispute, I am of the opinion that custodial detention of the present petitioner is unwarranted.

Hence, the prayer for anticipatory bail of the petitioner is **Allowed**.

Accordingly, I direct that in the event of arrest, the petitioner 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 arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

As the investigation of the case is in progress, the petitioner shall make herself physically available as and when called for by the investigating officer of the case.

Accordingly, CRM(A) 28 of 2026 is disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)