

21.04.2026
Item no.03.
Court No.5.
KAUSHIK
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 123 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Pundibari** Police Station Case No.**85** of **2025** dated **24.01.2025** under Sections **140(3)/127(2)/64/351(3)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Bittu Biswas.

.....Petitioner.

Mr. Subhasish Misra
Mr. Satyajit Paul
Mr. Rounak Ghosh
.....for the Petitioner.

Mr. Abhijit Sarkar
Mr. Chattu Roy
.....for the State.

This is an application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 presented in connection with Pundibari Police Station Case No. 85 of 2025 dated 24.01.2025, under Sections 140(3)/127(2)/64 and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

Mr. Misra, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated in the present case out of grudge. He further submits that on perusal of the First Information Report, it transpires that even if any such incident occurred, the same

occurred with the full consent of the victim lady. He also submits that the charge-sheet has already been submitted, and the other co-accused persons are on bail. Hence, according to him, custodial interrogation of the petitioner will not serve any useful purpose.

Mr. Sarkar, learned advocate appearing on behalf of the State produces the case diary, and opposes the prayer for anticipatory bail on the basis of the materials available in the case diary. He submits that there are serious allegations against the accused person. Accordingly, the accused should not be favoured with an order of pre-arrest bail.

Heard the learned advocates appearing for the respective parties and perused the materials on record, including the case diary.

In the present case, the charge-sheet has been submitted and the other co-accused persons are on bail. Considering this aspect, and further considering the nature of the allegations as reflected in the First Information Report and other materials on record, including the statement of the victim recorded under Section 164 Cr.P.C., I am of the view that custodial interrogation of the present petitioner will not serve any fruitful purpose, and consequently, the application is allowed.

Accordingly, it is directed that, in the event of arrest, each of the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of Rs. 5,000/- (Rupees Five Thousand only) each, one of which must be local, to the satisfaction of the learned **Chief Judicial Magistrate, Cooch Behar**, and subject to the conditions laid down under Section 482(2) of the BNSS.

The application being CRM (A) 123 of 2026 is, thus, **allowed.**

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.

(Partha Sarathi Chatterjee, J.)