

20.03.2026
Sl. No.05
Ct. 06
NB

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

C.R.M (A) 179 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Samuktala PS Case No.22/2025 dated 26.01.2025 under Sections 85 and adding Section 89 of BNS, 2023.

And

In the matter of: Samsed Ali ... petitioner

Mr. Arnab Saha,
Md. Shoaib Akhtar.
...for the petitioner.

Mr. Ujjwal Luksom,
Mr. Bhaskar Das.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the alleged husband of the de facto complainant. Actually, no formal marriage had taken place. However, the two had staying together since 2017. In fact, the lady was a married one with a child. She left the company of the petitioner in 2023 and lodged the FIR two years later.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the victim before the learned Magistrate and the documents present in the case diary.

It appears that there is a document regarding the marriage between the petitioner and the alleged victim. However, there are no documents regarding forcible abortion. Charge sheet has been submitted.

Considering the above, the other materials available in the case diary and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall regularly attend the jurisdictional Court.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)