

AD 39
March 23, 2026
Ct. 6
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

CRM(A) 190 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pundibari P.S. Case No.991 of 2025 dated 04.12.2025 under Sections 85/115(2)/117(2)/118(2)/351(3)/3(5) of the BNS.

And

In the matter of: *Subhadip Roy*

... *petitioner*

Mr. S. Guha
Mr. A. Paul

... for the petitioner

Mr. Bhaskar Das
Mr. Chattu Roy

... for the State

Mr. Gopal Roy

... for the de facto complainant

Learned counsel for the petitioner submits that this is a second application for anticipatory bail on the ground of material change in circumstances. Now, the de facto complainant/wife does not want to proceed against the present petitioner.

Learned counsel for the de facto complainant, upon instructions, submits that she does not want to proceed against the petitioner and does not have any objection, if the anticipatory bail is granted to the petitioner.

Learned counsel for the State opposes the prayer for anticipatory bail, relies on the case diary and points to the statements of the victim and other witnesses, the photographs of the injured victim and the injury report

showing severe injuries inflicting upon the alleged victim that resulted in swelling in the right eye, sutured wound in the left cheek and other medical papers. He submits that there is no material change in circumstances to warrant entertaining of a second application for anticipatory bail. If the petitioner was aggrieved with the order, he ought to have challenged the order passed earlier before the Hon'ble Apex Court.

It appears that by a detailed and reasoned order dated 17.02.2026, a Coordinate Bench of this Court rejected the petitioner's first application for anticipatory bail. There, it was clearly recorded that an earlier complaint as well as the present complaint had been lodged by the de facto complainant after the petitioner had filed a divorce suit against her. It was further recorded that the injury report, prima facie, suggested severe injuries being inflicted upon the de facto complainant.

Therefore, this is not a mere case of alleged torture due to dowry demand. Here, serious injuries were allegedly inflicted on the victim.

Changes in the stand of the de facto complainant/alleged victim from time to time would not amount to material or substantial change in circumstances so as to warrant entertainment of a second application for anticipatory bail.

Accordingly, the second application for anticipatory bail, without there being material change or substantial change in circumstances, is dismissed as not maintainable.

However, the petitioner shall be at liberty to surrender and pray for bail before the learned jurisdictional Court, which shall then be considered in accordance with law.

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

(Jay Sengupta, J.)