

27.04.2026
Item no.05.
Court No.5.
KAUSHIK
(Allowed)

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

CRM (A) 194 of 2026

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Boxirhat Police Station Case No.98 of 2017 dated 07.06.2017 under Sections 498A/376/511 of the Indian Penal Code, 1860 read with Section 4 of the Dowry Prohibition Act and read with added Section 10 of the POCSO Act, 2012.

And

In the matter of :Goutam Barman.

.....Petitioner.

Mr. Sudip Guha
Ms. Sayantani Das

.....for the Petitioner.

Mr. Gopal Roy

.....for the de-facto complainant

Mr. Tapan Bhattacharjee, learned APP
Mr. Chattu Roy

.....for the State.

Mr. Guha, learned Advocate appearing for the petitioner, submits that the main allegations are directed against the father-in-law of the victim. He submits that the said accused was arrested, but was subsequently granted bail. He further submits that the charge-sheet has been submitted, and that the present petitioner is the husband of the victim; the First Information Report itself mentions that, due to his employment, he used to stay outside the State. He submits that, in the present case, it would not be apposite to compel the petitioner to languish in jail custody.

Mr. Chakraborty, learned APP appearing on behalf of the State, produces the case diary and opposes the prayer for anticipatory bail on the basis of the materials available therein.

Mr. Roy, learned Advocate representing the de facto complainant citing a decision reported in **2026 SCC OnLine SC 205 (Balmukund Singh Gautam Vs. State of Madhya Pradesh &Anr.)** submits that anticipatory bail should not be granted to an absconder.

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

Undisputedly, certain allegations of a serious nature were levelled against the father-in-law of the victim, who is on bail. The charge-sheet has been submitted, but till date, WPA has not been issued against the present petitioner. Taking note of all these facts, and considering the role allegedly played by the husband, who used to stay outside the State due to his employment, I am of the view that custodial interrogation of the petitioner would serve no useful purpose.

There can be no impediment to accepting the precedent set in decision cited by the petitioner; however, the same is not applicable in the present factual matrix.

Accordingly, the application is allowed, and it is directed that, in the event of arrest, the petitioner 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 **Additional Chief Judicial**

Magistrate, Tufanganj, Cooch Behar, and subject to the conditions laid down under Section 482(2) of the BNSS.

Accordingly, CRM (A) 194 of 2026 is **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.)