

21.04.2026
Item no.13.
Court No.5.
(Samar)
(Allowed)

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

CRM (A) 221 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 Bagdogra Police Station Case No.46 of 2026 dated 09.02.2026 under Sections 64,62,69, 126(2), 15(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Asha Singh & Anr.

.....Petitioners.

Mr. Mayank Roy,
Mr. Ananda Paul,
Ms. Priyasha Jha
.....for the Petitioners.

Mr. Abhijit Sarkar
Mr. Dhiman Sil
.....for the State.

Despite service, victim is unrepresented.

Mr. Paul, learned advocate appearing for the petitioners, submits that the husband of petitioner no. 1 was involved in an illicit relationship with the victim, and that petitioner no. 1, being the wife of the principal accused, along with his daughter, had no role in the alleged offence. They are, in fact, victims of the circumstances. In such conspectus, he submits, the present petitioners should not be compelled to languish in jail custody.

The learned advocate appearing for the State produces the case diary and opposes the petitioners' prayer for pre-arrest bail based on the materials available in the case diary.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

Record reveals that this present case has been initiated under Sections 64/62/ 69/126(2)/115(2)/351(2) and 3(5) of the Bharatiya Nyaya Sanhita, read with Section 8 of the Protection of Children from Sexual Offences Act. The main allegation is directed against the husband of petitioner no. 1. In the present case, charge-sheet vide No. 107 of 2026 dated 07.04.2026 has been submitted. Taking note of these facts and the role attributed to the present petitioners, I am of the view that custodial interrogation of the present petitioners will not serve any useful purpose.

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, to the satisfaction of the Additional Sessions Court (1st Court), Siliguri, subject to the conditions laid down under Section 482(2) of the BNSS

The application being CRM (A) 221 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.)