

21.04.2026
Item no.20.
Court No.5.
KAUSHIK
(Allowed)

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

CRM (A)243of 2026

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Naxalbari** Police Station Case No.59of **2026** dated **04.04.2026** under Sections**85/109/3(6)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of :Ashis Sarkar & Ors.

.....Petitioners.

Mr. Debasish Mukhopadhyay
Ms. Madhushri Dutta
Ms. Bipasha Mrug
.....for the Petitioner.

Mr. Ujjwal Luksom
Ms. Sukanya Adhikary
.....for the State.

This is an application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 presented in connection with Naxalbari Police Station Case No. 59 of 2026 dated 04.04.2026, under Sections 85/109 and 3(6) of the Bharatiya Nyaya Sanhita, 2023.

Ms. Dutta, learned advocate appearing for the petitioner, submits that the petitioners have been falsely implicated in the present case by way of pressure tactics and with a view to harass the petitioner and his family members. She further submits that petitioner no. 1 is still interested in resuming conjugal life with the complainant. It is also submitted that the complainant is suffering from cancer and the

petitioner bore all the medical expenses, but subsequently, without any reason, the complainant withdrew herself from the society and thereafter lodged the present case. She submits that custodial interrogation of the present petitioner is not necessary.

Mr. Luksom, learned advocate appearing on behalf of the State, opposes the prayer for anticipatory bail on the basis of the materials available in the case diary.

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

The complainant left the house five years ago and started residing at her parental house. Taking note of this fact and considering the nature of the allegations, and further considering that during her stay with the petitioner, the petitioner arranged medical treatment for the complainant, and that the incident allegedly occurred in the presence of direct evidence, I am of the view that custodial interrogation of the present petitioners is not required, and the application for anticipatory bail is thus allowed.

Accordingly, it is directed that, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) each, with two sureties of Rs. 5,000/- (Rupees Five Thousand only) each, to the satisfaction of the learned **Additional Chief Judicial Magistrate, Siliguri**, and subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application being CRM (A) 243 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.)