

24.04.2026
Item no.10.
Court No.5.
KAUSHIK
(Allowed)

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

CRM (A)249of 2026

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Women Police Station Case No.24of 2026 dated 06.03.2026under Sections341/85/109(1) of the Bharatiya Nyaya Sanhita, 2023.

And

**In the matter of :Alam Khandakar& Anr.
.....Petitioners.**

Mr. Swarup Das
.....for the Petitioner.

Mr. Rounak Ghosh
.....for the de facto complainant.

Mr. Nilay Chakraborty, learned APP
.....for the State.

Mr. Das, learned Advocate appearing for the petitioner, submits that there following a dispute cropped up in a family, this case has been instituted under Sections 85/341/109(1) of the Bharatiya Nyaya Sanhita, 2023 corresponding to Sections 498A/472/307 of the Indian Penal Code read with Sections 3/ 4 of Dowry Prohibition Act.

He submits that the dispute has led to the institution of various cases and counter-cases between the parties. He contends that, in the present case, although allegations under Section 498A have been made, the husband has not been implicated as an accused. He further submits that the petitioner has been falsely implicated only to exert pressure for unlawful gain.

He contends that the present case is nothing but a counter-blast to proceedings initiated under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He further submits that the petitioner had earlier filed a writ petition, being WPA No. 216 of 2026, seeking a direction upon the concerned Sub-Divisional Officer, which was allowed by an order dated 25th February, 2026, and that the present case was subsequently instituted in March, 2026.

Mr. Ghosh, learned advocate appearing for the de facto complainant vehemently opposed such prayer. He also submits that the present petitioner no. 2 involved in certain criminal cases, where serious allegations are there and prayer for bail in that case was rejected.

Mr. Chakraborty, learned Advocate 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.

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

Admittedly, there is a long-standing dispute between the parties, which has led to the institution of various proceedings. Taking note of this fact, the role allegedly attributed to the petitioner in the present case, and upon further consideration that the incident is stated to have occurred in the presence of direct witnesses, coupled with the absence of any injury report in the case diary, I am of the view that custodial interrogation of the accused persons would serve no useful purpose.

Accordingly, the application is allowed and 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, one of which must be local, to the satisfaction of the **Additional Chief Judicial Magistrate, Dinhata**, and subject to the conditions laid down under Section 482(2) of the BNSS.

Accordingly, CRM (A) 249 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.)