

28.04.2026

Item no.10
Court No.5.
Suman
(Allowed)

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

CRM (A) 255 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 Sitalkuchi P.S. Case No.103 of 2026 dated 04.03.2026 under Sections 3(5)/329(4)/351(3)/64 of Bharatiya Nyaya Sanhita, 2023.

And

**In the matter of :Sanatan Roy and Anr.
.....Petitioners**

Mr.Ankur Barman
Ms. Ankita Barman
..for the petitioners

Mr. Hillol Saha Podder
Ms. Mousumi Das
..for the de facto complainant

Mr. Nilay Chakraborty, ld. APP
Mr. Sagnik Sankar Sikdar
..for the State

Mr. Barman, learned advocate appearing for the petitioners, submits that the main allegation is directed against accused No. 1. The present petitioners are the father and mother of the said accused. He submits that there is no specific allegation against the present petitioners. He further submits that a relationship had developed between the victim and accused No. 1, and that negotiations regarding their marriage were ongoing, with certain formalities for registration of such marriage also

having been undertaken. However, subsequently, disputes arose between them and the said negotiations failed.

He contends that, at a time when accused no. 1 and the victim were on cordial terms and interacting freely, any act that may have occurred between them cannot give rise to liability on the part of the parents. Accordingly, the parents cannot be held responsible for any alleged offence attributed to accused no. 1. He further submits that the present petitioners ought not to be compelled to languish in judicial custody.

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

Mr. Podder, learned advocate appearing for the de facto complainant, also opposes the prayer for bail, submitting that the complainant stayed in the house of the accused persons for certain days and, during that period, she was threatened by the present petitioners. Heard the learned advocates for the respective parties and perused the materials on record, including the case diary.

Considering the nature of the allegations, the role attributed to the present petitioners, and the fact that the main allegations are directed against accused No. 1, this Court is of the view that custodial interrogation of the present petitioners will not serve any useful purpose. In view of the above, the application, being CRM (A) 255 of 2026, is allowed.

It is ordered 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) each, with two sureties of Rs. 5,000/- (Rupees Five

Thousand only) each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, subject to the condition that they shall not leave the territorial jurisdiction of the concerned police station without prior permission of the Investigating Officer until submission of the charge sheet, and further subject to the conditions as laid down under Section 482(2) of the BNSS, corresponding to Section 482 (2) of the BNSS.

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.)