

AD 11
March 25, 2026
Ct. 6
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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Appellate Side

CRM(A) 833 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhaktinagar Police Station Case No.966 of 2025 dated 01.10.2025 under Sections 69/89/3 (5) of the BNS 2023.

And

In the matter of: *Garib Nawaz @Md. Gharib Nawaz and anr.*
... *petitioners*

Mr. Tapodia Gupta

... for the petitioners

Mr. Ujjwal Luksom

Mr. Biswarup Roy

... for the State

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits that there was a romantic relationship between the petitioner no.1 and the de facto complainant. After the relationship turned sour, the present FIR was registered.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statement of the victim recorded before the learned

Magistrate and the statements of other witnesses. However, the lady refused to undergo medical examination.

It appears from the statement of the victim recorded before the learned Magistrate that she did not want to pursue the matter further because she had already got married.

Considering the above, the other materials available in the case diary and the fact that there was a some kind of relationship between the two for a certain length of time, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on the further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioners shall meet the Investigating Officer once a week till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)