09.10.2026.
Item No. 16
Court No.7
ap

CALCUTTA HIGH COURT

IN THE CIRCUIT BENCH AT JALPAIGURI

APPELLATE SIDE

C.R.M. (A) 760 OF 2026

In the matter of: An application for anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 30.09.2026 in connection with Kharibari Police Station Case No. 117 of 2026 dated 21.03.2026 under Sections 329(3)/126(2)/115(2)/74/64/62/3(5) of Bharatiya Nyaya Sanhita, 2023.

And

In re: **Brij Bihari Jaiswal & Anr**. ... Petitioners.

Mr. Subham Ghosh,
Mr. Mayank Roy. ..... for the petitioners.

Mr. Anirban Banerjee.
...For the de facto complainant.

Ms. Smita Mitra Sinha,
Mr. Arko Sarkar. .... for the State

1. The application for anticipatory bail is canvassed on the ground that the allegation by the victim girl is a result of civil suit filed by the petitioners against the victim.

2. Counsel for the State places the case diary including the injury report. He submits that charge-sheet has been submitted in this case and custodial interrogation of the petitioners may not be necessary.

3. Injury reports indicate that no serious injury is found on the victim except minor injuries on the abdomen.

4. It further appears from the case diary, the victim had refused medical examination.

5. In the light of the above, this Court is of the view that since charge-sheet has already been filed, the petitioners are entitled to anticipatory bail.

6. It is directed that in the event of arrest, the petitioners shall be released on bail to the satisfaction of the learned Additional Chief Judicial Magistrate, Darjeeling at Siliguri upon furnishing bond of Rs.40,000/- each, with two sureties of Rs.20,000/- each, one of whom must be local, subject to the conditions that after release, the petitioners shall not leave the jurisdiction of Kharibari Police Station without the prior consent of the Officer-in-charge, Kharibari Police Station and shall co-operate in the investigation and report before the Trial Court on each date after charge-sheet is put for committal until further orders and on further condition that they shall furnish any changed addresses or contact numbers to the Officer-in-charge, Kharibari Police Station and surrender their passports, if any. The petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

7. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure corresponding to Section 482(2) of the BNSS, 2023.

8. In default of compliance of any of the aforesaid condition, the bail of the petitioners shall stand automatically cancelled.

9. Case Diary be returned.

10. C.R.M. (A) 760 of 2026 is allowed and disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)