

05.01.2026
Item no. 45.
Court No.3.
Rakib
(Allowed)

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

CRM (A) 938 of 2025

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 Banarhat Police Station Case No. 268 of 2025 dated 30.10.2025 under Sections 107/303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Niraj Agarwal.

.....Petitioner.

Mr. Hillol Saha Podder

.....for the Petitioner.

Mr. Ujjwal Lusom

Ms. Namrata Das

.....for the State.

Mr. Md. Shoaib Akhtar

.....for the de-facto complainant.

Learned advocate appearing for the petitioner submits that the petitioner has been implicated in connection with the instant case on the accusation that the principal accused and her family members with the aid of the present petitioner emotionally exploited the deceased, took away jewellery and valuables from their house. Learned advocate for the petitioner submits that petitioner is not a member of the family and the accusations against him are vague and no charges of abetment do stand so far as the present petitioner is concerned.

Learned advocate for the de-facto complainant opposes the prayer for bail and submits that the name in the formal FIR of Arun Prasad Choudhury is missing, as such they have preferred a writ petition.

Learned advocate for the State has produced the Case Diary and submits that in Case Diary there are statement under Section 161 of Cr.P.C. as well as Whatsapp chat between the deceased and Unnati Prasad Choudhary.

Having considered the manner in which the petitioner has been implicated in connection with the instant case, I am of the view that custodial detention of the present petitioner may not be warranted. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

As such, I direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000/- (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the investigating officer/arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Since, the investigation of the case is in progress the petitioner shall meet with the investigating officer of the case once in a week till further orders of this Court.

Accordingly, CRM (A) 938 of 2025 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.

(Tirthankar Ghosh, J.)