

08.01.2026
Item no. 03.
Court No.3.
Rakib

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

CRM (A) 985 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 Birpara Police Station Case No. 128 of 2016 dated 26.08.2016 under Sections 498A/494/307 of the Indian Penal Code, 1860.

And

**In the matter of : Noor Islam @ Md. Nur Islam & Anr.
.....Petitioners.**

Mr. Arnab Saha
Mr. Md. Shoaib Akhtar
.....for the Petitioners.
Mr. Bhaskar Das
Ms. Sukanya Adhikary
.....for the State.

Learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband and the petitioner no.2 is the alleged second wife of the petitioner no.1 who has been foisted with the present criminal case being Birpara Police Station case no. 128 of 2016 dated 26.08.2016. Learned advocate for the petitioners submits that charge-sheet no. 153 of 2017 dated 30.11.2017 was taken cognizance of on 19.06.2024 by the learned Magistrate being the learned A.C.J.M., Alipurduar after seven years and thereafter warrant of arrest was issued. After the warrant of arrest was issued the other accused persons approached this Court and in CRM (A) 266 of 2025 by an order dated 10.04.2025 the other accused persons were granted anticipatory bail.

Learned advocate for the State has produced the Case Diary.

I have taken into account the injury report, the injury reports do not contain any element to substantiate the charges under Section 307 of the Indian Penal Code. Further the offence under Section 494 of the Indian Penal Code is bailable, the only Section which is non-bailable is Section 498A of the Indian Penal Code.

Since the case commenced in the year 2016 and charge-sheet was prepared in the year 2017 although cognizance was taken in the year 2024, I direct that in case within a period of four weeks the petitioners surrender before the learned A.C.J.M., Alipurduar, in that case the learned Magistrate will take into account the locus of the present petitioners with that of the others and the fact that charge-sheet has been submitted and the custodial detention of the petitioners are not necessary while considering their prayer for bail.

With the aforesaid observations CRM (A) 985 of 2025 is disposed of.

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.)