20.11.2026.
26.
Ct. No.07.
PRITAM
[ALLOWED]

In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M. (A) 810 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhaktinagar** Police Station Case No.**408** of **2026** dated **21.05.2026** under Sections **85/109(1)/115(2)/79/351(2)/3(5)** of the BNS, 2023.

And

In Re: **Sourav Malakar & Anr.**

…… petitioners.

Mr. Nilay Chakraborty,
Mr. Sourav Lohani.

…. for the petitioners.

Mr. Rajkumar Mitra,
Mr. Nigam Mittal.

….for the State.

1. The petitioner no.1 is apparently the boy-friend of the daughter of the de-facto complainant/victim of the present case. The petitioner no.2 is the brother of the petitioner no.1.

2. Apart from the aforesaid two accused persons, the victim's husband and daughter are also implicated in this case.

3. The allegation is that the victim was beaten up by her husband, daughter, her brother and his brother. The daughter has been granted anticipatory bail by the learned trial court. The petitioners now pray for anticipatory bail. They say that they will fully co-operate with the Investigating Officer.

4. Learned State counsel opposes the prayer. He says that charge-sheet has already been filed. Therefore, the question of co-operating with the Investigating Officer does not arise. The

FIR specifically names these two petitioners. No leniency should be shown to them.

5. I have considered the facts and circumstances and the nature of allegations. Considering the possible complicity of these petitioners in the alleged crime and considering that the nature of injury suffered by the victim has been described as “simple”, I am of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer in case of any further investigation.

6. Accordingly, in the event of arrest, the petitioners, namely **Sourav Malakar & Subha Malakar,** be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also shall abide by the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioners shall report to the Investigating Officer within three days from date and as and when called for, until further orders.

7. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

8. The application for anticipatory bail being CRM (A) 810 of 2026 stands disposed of.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)