

13.01.2026

Item No.25

Ct.No.3

dc.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (A) 1011 of 2025

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mekhliganj Police Station Case No. 290 of 2025 dated 17.09.2025 under Sections 69/318/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Jiban Sarkar**

... Petitioner.

Mr. Debashish Mukhopadhyay,
Ms. Madhushri Dutta,
Ms. Srishti Sarkar,
Ms. Bipasha Mrug

... For the Petitioner.

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary

... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Learned advocate appearing for the petitioner submits that admittedly the accusations reflect that both the petitioner and the *de facto* complainant were major; they entered into a consensual relationship; there was a marriage and subsequently the *de facto* complainant stayed with the petitioner as husband and wife for 20 days. However, because of dispute arising, subsequently she had to leave the matrimonial home and the present case was thereafter registered.

Learned advocate appearing for the State has produced the case diary.

I have taken into account the statement of the *de facto* complainant recorded under Section 183 of the BNSS as also the fact that charge-sheet has already been submitted. Having considered the totality of the circumstances, I am of the view that custodial detention of the present petitioner is unwarranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of Rs.10,000/- 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

As the charge-sheet has already been submitted before the jurisdictional court, this order of anticipatory bail will remain in force for a period of eight weeks from date.

The application for anticipatory bail, being CRM(A) 1011 of 2025, is, thus, disposed of.

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

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

(Tirthankar Ghosh, J.)