

Cr. Misc. Case No. 428/2026
CNR No. WBHW0100 1149 2026
Present: Sri Mainak Dasgupta
Sessions Judge, In-charge, Howrah.
J.O. Code – WB01070

Order No.02 dated 10.03.2026.

The application u/S.482 BNSS arising out of Uluberia P.S. Case No. 616 of 2025 dated 14.12.2025 u/Ss. 85/108 of BNS r/w Section 498A/306 of IPC, filed by the accused/ petitioner namely, Samim Khan, is taken up for hearing.

Heard Ld. Advocate for the accused/petitioner who submitted that the present petitioner is the husband of the deceased and there were some minor matrimonial disputes but there was no instigation on his part. With such submissions, Ld Advocate for the accused/petitioner asserted the prayer for anticipatory bail.

Ld.P.P. has raised vehement objections to the prayer and submitted that the marriage took place on 17.06.2025 and the victim committed suicide on 11.12.2025 and the C.D. also speaks of demand and therefore the sections should have been one corresponding to the old section 304B of IPC.

Perused the T.C.R. and C.D.

Considered the submission made by the Ld. Advocate for the accused and the Ld Public Prosecutor.

REASONS

As regards pre arrest bail the Hon'ble Apex Court in Sadhna Chaudhary Vs. State of Rajasthan & Anr., reported in 2022 (237) AIC 205 (SC), has been pleased to hold as follows:-

"14. Law on the applicability or grant of anticipatory bail under section 438 Cr.P.C. may be briefly summarised as under: 14.1. In Shri Gurbaksh Singh Sibbia and Others v. State of Punjab, a Constitution Bench of this Court, Chief Justice Y.V. Chandrachud, speaking for the Court dealt with in detail on the considerations for grant of anticipatory bail. 14.2. In Siddharam Satlingappa Mhetre vs. State of Maharashtra and Others²; this Court relying upon the Constitution Bench judgment in Shri Gurbaksh Singh Sibbia laid down in paragraph 112 of the report the following factors and parameters to be considered while dealing with an application for anticipatory bail:

"(i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

(ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) The possibility of the applicant to flee from justice;

(iv) The possibility of the accused's likelihood to repeat similar or other offences;

(v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even

greater care and caution because over implication in the cases is a matter of common knowledge and concern;

(viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(ix) The court to consider reasonable apprehension of tampering of the witnesses or apprehension of threat to the complainant;

x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

I have perused the statement which supports the submissions of the Ld.P.P.

Granting the petitioner with the relief as prayed for would send an unwanted message to the society. Such should also be considered while dealing with the prayer for anticipatory bail.

Considering all the above, the prayer for anticipatory bail of the petitioner namely, Samim Khan stands rejected.

LCR and CD be returned.

The criminal misc case is disposed of.

The order be uploaded in the CIS without delay.

Dictated & corrected by me

S. J.

Sessions Judge, In-charge, Howrah