

IN THE COURT OF SESSIONS JUDGE, MALDA.

**Present : Shri Subhankar Sen,
Ld. Sessions Judge, Malda.**

Criminal Misc. Case No. 806 of 2026

Order No. 02 dated 07-04-2026

The application, praying for bail, under section **482 of the BNSS**, submitted on behalf of the accused/petitioner, namely **Samim Sk. @ Samim Sekh**, who apprehend arrest, in connection with **Kaliachak P.S. Case No. 165/2026 dated 01.02.2026 under Sections 85/115(2)/351(2)/3(5) of the BNS Read with Section 4 of D.P. Act & 4 of Muslim Women (Protection of Rights on Marriage) Act**, is taken up for hearing along with LCR and C.D.

At the outset, Ld. Defence Counsel mentioned that no other bail application in respect of the accused/petitioner has been preferred or pending or rejected before any higher authority concerned.

The anticipatory bail prayer is moved by the learned Advocate on behalf of the accused/petitioner. Ld. Advocate for the petitioner submits that the accused/petitioner has been falsely implicated in this case. He also submits that the allegation made against the accused/petitioner is out and out false. Therefore, Ld. Advocate for the petitioners / accused prays for bail on any condition this court may deem fit and proper.

Learned P.P., on the other hand raised objection against the anticipatory bail prayer and submitted that the accused-petitioner tortured upon the victim/complainant since after their marriage and the victim was driven out from her matrimonial house with her two minor children by pronouncing '*Triple Talaq*'.

Considered the submissions of both sides.

Perused the materials on record and CD.

Having heard the submissions of both sides, as aforesaid, and perusing the materials in TCR and CD and other documents placed before me, it appears that the marriage between the defacto complainant and the accused-petitioner took place about 15 years back having two children of 14 years and 11 years respectively and that the defacto complainant has been pronounced '*Triple Talaq*' and since thereafter she has been compelled to take shelter in her father's house.

In view of such facts, I do not think any fruitful purpose would be served by way of custodial interrogation of the present accused/petitioner. Therefore, I am inclined to grant him pre-arrest bail. Thus, the prayer for pre-arrest bail stands **allowed**.

Hence, it is

ORDERED

that in the event of arrest in connection with above mentioned case, the petitioner, namely **Samim Sk. @ Samim Sekh** may be released on bail upon furnishing bail bond of **Rs. 4,000/-, with two registered sureties of Rs. 2,000/- each**, subject to the satisfaction of the arresting police officer and comply the conditions, as enumerated under Section **482(2) of the BNSS**.

Return the C.D. and the L.C.R.

Thus, the Criminal Misc. Case is hereby disposed of.

Dictated & corrected by me

Sessions Judge, Malda.

Sessions Judge, Malda.