

29.07.2026
Ct. No. 11
SL No.08
Cp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 438 of 2026

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Sitai Police Station Case No.292 of 2025, dated 25.12.2025 under Section 64 of the BNS.

And

In the matter of: **Malek Miah**

....Petitioner.

Mr. Ratan Chandra Roy

...for the Petitioner.

Ms. Panchali Deb Sikder (Nag)

Mr. Gobinda Ghosh

Ms. Madhushri Dutta

... for the State.

Mr. Mantu Mandal

....for the de facto complainant.

The petitioner prays for pre-arrest bail.

Learned advocate for the State opposes the prayer for grant of pre-arrest bail.

Considering the statement of the victim before the Judicial Magistrate under Section 183 of the BNSS, the discrepancy in such statement with the contents of the First Information Report and the other materials, this court is inclined to allow the prayer of the petitioner.

Accordingly, this court directs that, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and 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 B.N.S.S. 2023. The petitioner shall meet the investigating officer once a fortnight and cooperate till conclusion of the investigation and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall also not enter into the jurisdiction of the Sitai police station except for the purpose of meeting the investigating officer.

The present address of the petitioner shall be disclosed to the investigating officer.

In case the petitioner fails to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

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

(Shampa Sarkar, J.)