

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

09.07.2026
Ct No.5
Item No.39
S.K.

CRM (A) 475 of 2026

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In Re: **Rakib Sarkar & Ors.**

..... Petitioners

Mr. Debasish Mukhopadhyay
Mr. Mayank Roy
Ms. Srishti Sarkar

....For the Petitioners

Mr. Sanjay Mazoondar
Mr. Rajdeep Das

.....For the State

1. Petitioners are anticipating arrest in connection with Haldibari Police Station Case No. 82 of 2026 dated 17.05.2026 under Sections 329(4)/115(2)/117(2)/109/76/62/ 351(2) and 3(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to G.R.Case No. 226 of 2026, pending before the learned Chief Judicial Magistrate, Coochbehar.
2. According to the learned advocate for the petitioners, the mere matrimonial discord has resulted into filing of this criminal case against the present petitioners without any convincing material to warrant their incarceration at present.
3. She has further submitted that ingredients of offence as alleged against the petitioners are not satisfied in the instant case.

4. Learned advocate for the State has raised strong objection as regards bail prayer of the petitioners particularly against the petitioner no. 1.
5. It is indicated that the petitioner no. 1 has suffered criminal antecedents and active role in commission of offence as alleged in the instant case.
6. Having heard learned advocates for the respective parties and perusing the materials on record and CD particularly the statement of the victim recorded by the Magistrate, I am convinced about sufficient evidence being collected against the petitioner no.1 of such gravity, to warrant his custodial interrogation.
7. Accordingly, his bail prayer is rejected.
8. So far as the two other petitioners are concerned allegation them are more or less generally in nature.
9. Considering the same, the bail prayer of the petitioners no. **2(Milan Hoque)** and 3 (**Rakeya Khatun**) are allowed.
10. In the event of arrest, the petitioners shall furnish a bail bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Coochbehar. The petitioners shall comply with the condition under Section 482(2) of the 2023 BNSS and shall cooperate with investigation in all possible way. They shall not intimidate witnesses in any manner and shall

not tamper with the evidence of the case in any manner whatsoever.

11. C.D be returned.

(Rai Chattopadhyay, J.)