

21.08.2026
Sl. No. 27
Ct. No. 446
SG
[ALLOWED]

C. R. M. (A) 2205 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gazole Police Station Case No. 659/2026 dated 23.06.2026 under Sections 85/108/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Sukumar Das & Anr.**

... .. Petitioners

Mr. Raj Kr. Sain,
Mr. Argha Das.

... for the petitioners

Mr. Amitava Karmakar,
Ms. Shayani Sachin Basu.

... for the State

1. Mr. Sain, learned Advocate appearing for the petitioners, submits that the present petitioners are the parents-in-law of the victim. He submits that the son of the present petitioners married the victim and, out of their wedlock, a girl child was born. He submits that subsequently, a dispute arose in their marital life, and the victim left the matrimonial house and started living at her parental house along with the girl child. He further submits that the victim subsequently committed suicide at her parental house. The son of the petitioners, being the husband of the victim, lodged a complaint with the jurisdictional police station where the petitioners reside. He further submits that, after almost one and a half months, the present FIR was lodged, implicating the petitioners and their son. He submits that there is no specific allegation against the present accused persons. In such conspectus, according to him, the benefit under Section 482 of the BNSS can be extended in favour of the petitioners.

2. Mr. Karmakar, learned advocate appearing for the State produces the case diary and memorandum of evidence and opposes the prayer for anticipatory bail made on behalf of the petitioners. He submits that, based on a complaint lodged by the victim, a case under Section 498A of the IPC was initiated against the petitioners and their son, and the said case is still pending. He submits that the petitioners' son has not paid any amount towards the maintenance of the victim during her stay at her parental house. He further submits that, in the present case, it would not be apposite to extend the benefit under Section 482 of the BNSS to the petitioners.

3. The memorandum of evidence as placed is taken on record.

4. Heard the learned Advocates appearing for the respective parties and perused the case diary and other materials available on record, including the post-mortem report. Undisputedly, there is a delay in lodging the FIR. The incident allegedly occurred at the parental house of the victim. There is a long-standing dispute between the two families. Taking note of these facts and circumstances and further considering that the petitioners have roots in the society, there is no chance of their absconding, and there is no material demonstrating the need for custodial interrogation of the present petitioners, I am of the view that the benefit under Section 482 of the BNSS can be extended in favour of the petitioners.

5. In view of the above, the prayer for anticipatory bail is allowed.

6. Accordingly, I direct that, in the event of arrest, the petitioners, viz., **(1) Sukumar Das** and **(2) Shikha Das** be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda and also subject to the conditions as laid

down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that they shall cooperate with investigation.

7. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)