

25.11.2024
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Partly
Allowed

CRM (A) 4080 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Tehatta Police Station Case No. 706 of 2024 dated 24.09.2024 under Sections 115(2)/85/89/3(5) of the BNS.

And

In Re : Debraj Saha & Anr. petitioners

Ms. Minoti Gomes
Md. G. N. Imrohi

..... for the petitioners

Mr. Sachit Talukdar

..... for the State

Mr. Amanul Islam
Mr. Sourav Mujkherjee

..... for the de facto complainant

1. Learned Counsel for the petitioners submits victim lady had withdrawn from the matrimonial home and had issued a declaration to that effect. Subsequently she has implicated the petitioners in the case. They pray for anticipatory bail.

2. Learned Counsel for the State and *de facto complainant* oppose prayer for anticipatory bail.

3. We have considered the materials on record. Petitioner no. 1 is the husband of the victim lady. Petitioner no. 2 is her mother-in-law. In the FIR it is alleged she was tortured by the petitioners and had withdrawn from her parental home. On the date of incident petitioner no. 1 took her to the matrimonial home and assaulted her. As a result she was

treated in hospital. Medical report shows abortion due to trauma. Under such circumstances, we are not inclined to grant anticipatory bail to the petitioner no. 1, Debraj Saha.

4. Accordingly, prayer for anticipatory bail in so far as petitioner no. 1 concerned is rejected.

5. Allegations against petitioner no. 2 are general and omnibus. Accordingly, we are inclined to grant anticipatory bail to petitioner no 2.

6. Accordingly, we direct that in the event of arrest petitioner no. 2) Tapasi Saha shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that she shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

7. The application for anticipatory bail in so far as petitioner no. 2 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)