

03.04.2025
Court No.28
Item No.3
tbsr
Allowed

CRM (A) 838 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lake** P.S. Case No.**37 of 2025** dated **12.02.2025** under Sections **79/351(2)/308(4)/54** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Alka Agarwal & Anr.**

....Petitioners.

Mr. Ayan Bhattacharya

Mr. M. Roy

Mr. Sayan Kanjilal

...for the petitioners.

Mr. Sabyasachi Banerjee

Ms. Minal Palana

.....for the de facto complainant

Mr. Rana Mukherjee, Id. APP

Mr. Siladitya Banerjee

...for the State.

Report filed on behalf of the State is taken on record.

Learned senior counsel representing the petitioners submits as follows. The de facto complainant is the alleged paramour of the husband of the petitioner no. 1 while the petitioner no. 2 is the father of the petitioner no. 1. Disputes have been brewing between the husband and wife. Several litigations are pending in this regard. The main allegation in the instant case is that a phone call had come from an unknown number to the phone of the petitioner, threatening her to withdraw an earlier case and pay money. The maximum punishment for the offences is seven years. The petitioners had duly complied with notices issued under Section 35(3) of the BNSS. No *prima facie* case is made out under Section 308(4) of the BNS. Even, the other provisions do not apply in the instant case.

Learned senior counsel representing the de facto complainant/opposite party denies the allegations and submits as follows. The de facto complainant needs protection from this kind of threats meted out by the petitioners. Earlier also, there were instances of giving of threats.

Learned counsel appearing on behalf of the State relies on the case diary and the report and submits as follows. The cyber cell is investigating the case. It was found that the call came from the phone of the house help of the petitioners. The phone and the sim card have been seized. The said help was examined. Investigation would be completed soon.

It appears that the disputes arose out of a marital discord between the petitioner no. 1 and her husband and the alleged involvement of another in this. At the highest, there are allegations of threats being given.

In view of the fact that the mobile phone and the sim card in question have already been seized and that the petitioners had earlier complied with notices issued under Section 35 of the BNSS, I do not think there is a need for custodial interrogation.

In the event of arrest, the petitioners shall 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 Arresting Officer and also be 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 BNSS, 2023 and on further conditions that the petitioners shall cooperate with the investigation.

The petitioners shall not threaten or intimidate witnesses, in which event the jurisdictional Court shall be at liberty to take appropriate steps.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)