

21.05.2025
SL.72
Ct.No.28
NB
(Allowed)

CRM (A) 1005 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chanchal P.S. Case No.1470 of 2024 dated 29.12.2024 under Sections 85,117(2)/70(1)/351(3)/109(1) and 3(5) of the Bharatiya Nyay Sanhita, 2023 read with Section 3 and 4 of the Dowry Prohibition Act, 1961.

In the matter of : XYZ & Ors.

.... petitioners.

Mr. Amit Ranjan Pati,
Mr. Ashok Halder,
Mr. Reshmi Mukherjee.
...for the petitioners.

Mr. P. P. Das,
Mr. Atanu Ghosh.
..for the State.

Mr. Anupam Das,
...for the complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the parents in law of the alleged victim. The marriage between the couple took place about 10 years ago. Subsequently, disputes cropped up. The allegation of sexual assault on the victim is against the brothers in law who are not before this Court.

Learned counsel appearing on behalf of the State submits that pursuant to an earlier direction passed by this Court, the Investigating Officer of the case has been changed. However, the witness who had purportedly altered her stand could not be contacted. He relies on the

statements of the witnesses including the statement of the victim recorded before the learned Magistrate.

Considering the materials available in the case diary and the alleged roles ascribed to the present petitioners and the fact that the accused against whom the allegation of sexual assault is there are not before this Court, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall not threaten or intimidate witnesses and the petitioner no.1 and 2 shall meet the Investigating Officer as and when required. The Investigating Officer shall make all endeavour to trace out the said witness who had changed her version and have her further statement recorded before the learned Magistrate.

The application for anticipatory bail being **CRM(A) 1005 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)