

25.03.2025

Serial no. 72
Anticipatory bail
[Rejected]
Dd

CRM (A) 1010 of 2025

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bankura (Women) Police Station Case No. 11 of 2025** dated **07.02.2025** under Sections **85/115(2)/117(2)/102/316(2)/352(2)(3)/3(5)** of Bharatiya Nyaya Sanhita, 2023 and under Sections **3/ 4** of Dowry Prohibition Act and under Sections **3(1)(r)** of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.*

-And-

In the matter of : **SOUGATA KUNDU @ SAUGAT KUNDU AND ORS.**
... ..**Petitioners**

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Soumik Ganguly,
Mr. Ranadeb Sengupta,
Mr. Debangana Bhattacharyya, Advocates
... .. For the Petitioners

Mr. Saryati Dutta,
Ms. Debjani Sahu, Advocates
... ..For the State

Mr. Kallol Mondal, sr. adv.
Mr. S. G. Mukherjee, sr. adv.
Mr. Sachit Talukdar,
Mr. Karan Bapuli,
Mr. Tirtharaj Ghoshal, Advocates
... ..*For the de facto complainant*

1. Petitioners pray for anticipatory bail.
2. Learned senior advocate appearing for the petitioners submits that the petitioner no. 1 and the de facto complainant were married in 2002. A daughter was borne out of such wedlock. Due to matrimonial disputes, there was a decree for divorce in respect of such marriage in 2014. Thereafter, the petitioner no. 1 and the de facto complainant came together and married for the second time in 2019. Twine sons were borne to the petitioner no. 1 and the de facto complainant.

3. Learned senior advocate appearing for the petitioners submits that, no utterance was made at a public place. Petitioners also belong to the Other Backward Classes. He submits that, there are no materials on record presently available requiring the custodial interrogation of any of the petitioners.
4. State and the de facto complainant are represented.
5. Learned advocate appearing for the State draws the attention of the Court to the injury report of the de facto complainant as also to her statement recorded under Section 183 of the BNSS, 2023.
6. Learned senior advocate appearing for the de facto complainant submits that, even subsequent to lodgment of the present police complaint, the petitioner no. 1 visited the place where the de facto complainant was residing and threatened and assaulted her. In support of such contention, he relies upon a video recording.
7. In reply, learned senior advocate appearing for the petitioners submits that, video recording is of 2024 and not 2025 as claimed on behalf of the de facto complainant.
8. Statement recorded of the de facto complainant under Section 183 of the BNSS, 2023 does not suggest any wrong doing so far as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned.
9. There are three injury reports in the case diary, which records that, the de facto complainant suffered injuries due to violence committed by the petitioner no. 1 over a period of time.
10. There are two statements recorded by neighbours in the case diary which implicates all the petitioners of torturing the de facto complainant both physically and mentally and using abusive languages as to her caste.
11. Considering such materials in the case diary, the gravity of the offence and the involvement of the petitioners therein, we are not inclined to grant anticipatory bail to the petitioners.

12. Prayer for anticipatory bail of the petitioners is **rejected**.
13. **CRM (A) 1010 of 2025** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)