

AD 13
April 28, 2025
Ct. 28
SG

Allowed

CRM(A) 1085 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nagerbazar P.S. Case No.58 of 2025 dated 20.03.2025 under Sections 61(2)/74/79/85/109/115(2)/127(2)/316(2)/329(4)/351(3)/35(2) of the BNS, 2023.

And

In the matter of:

Shakuntala Devi Jalan and others
... petitioners

Mr. Milon Mukherjee, Sr. Adv.
Mr. Sabir Ahmed
Mr. Avra Mazumder
Mr. Avik Ghatak
Mr. Giridhar Dhelia
Mr. Shraman Sarkar
Mr. Quadri Ezaz Ahmed

... for the petitioners.

Mr. Iqbal Kabir
Mr. Abhisekh Verma

... for the State

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Ayan Poddar
Ms. Syed Kishwar

... for the de facto complainant

Report filed by the State is taken on record.

Learned counsel appearing for the petitioners submits that the petitioners are the mother-in-law, the brother-in-law and the sister-in-law of the alleged victim. The marriage between the couple took place 17 years ago. The main allegation is against the husband, who is not before this Court.

Learned counsel for the de facto complainant opposes the prayer and submits that there was a systematic torture

due to dowry demand and for other reasons during the entire length of married life. The minor children are now having to stay with the mother.

Learned counsel for the State relies on the report, which is taken on record as also on the case diary and submits that the statements of the minor children have also been recorded before the learned Magistrate. Recovery of stridhan articles has taken place only in part.

Considering the nature of allegations levelled after about 17 years of marriage and roles ascribed to the present petitioners, I do not think that custodial interrogation of the present petitioners is required in this case.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further conditions that the petitioners shall cooperate with the investigation and the petitioners shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)