

**17/04/2025**

D/L 55  
Ct. No.28  
S.Kundu  
Allowed

**C.R.M.(A) 1250 of 2025**

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure in connection with Jiaganj Police Station case no. 366 of 2024 dated 5.10.2024 under Section 498(A)/376/511/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act, being G/R case no. 4880 of 2024 pending before the learned ACJM, Lalbagh, Murshidabad.

In the matter of: XXX & Ors.

... Petitioners

Mr. Asim Kr. Chakraborty

... for the petitioners

Mr. Arnab Chatterjee,  
Ms. Debolina Das

... for the State

1. Affidavit of service filed in Court today is taken on record.
2. Despite service no one appears on behalf of the de-facto complainant.
3. Learned counsel appearing on behalf of the petitioners submits that the petitioners are the father-in-law, the husband of the married sister-in-law and the sister-in-law. The petitioners are in no way connected with the alleged offence. The husband and the mother-in-law were granted bail soon after their surrender. There is a delay of about three months in lodging FIR from the date on which the alleged attempt to rape had taken place.

4. Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. Charge-sheet has not been submitted.
5. It appears that the instant FIR was registered upon a direction given under Section 156 (3) of the Code of 1973.
6. Considering the materials available in the case diary and the fact that a complaint was sent by registered post to the police authorities only on 24.1.2024, although the incident had taken place allegedly on 19.1.2024, I do not think that custodial interrogation of the petitioners is required of this case.
7. In view of the same, the application for anticipatory bail is allowed, albeit, by restricting the movement of the petitioner no. 2 for a limited period.
8. 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. The petitioners shall cooperate with the investigation, the petitioner nos. 1 and 2 shall meet the I.O once a week till submission of report in final form, the petitioners shall not threaten or intimidate witnesses. The petitioner no. 2 shall stay outside the jurisdiction of Behrampore Police Station for a

period of six months, except for attending the Court or meeting the Investigating Officer.

9. Accordingly, the application for anticipatory bail is allowed.

**(Jay Sengupta, J.)**