

01.05.2025
SL.26
Ct.No.28
NB

CRM (A) 1395 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 Dhubulia P.S. Case No.85 of 2025 dated 02.03.2025 under Sections 85/80/3(5) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Chief Judicial Magistrate, at Krishnanagar, Nadia.

And

In the matter of: Sukdeb Roy @ Subdeb Roy & Anr. ...petitioners

Mr. Susnigdho Bhattacharyya,
Ms. Sarmistha De.
...for the petitioners.

Mr. Rana Mukherjee Id.APP.,
Ms. Nandini Chatterjee.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the mother-in-law of the victim deceased. The victim died within nine months of this marriage. Both the husband and wife were married earlier. The petitioner no.1 was in Bengaluru at the relevant time. Immediately after coming to know about such news, he rushed to Kolkata.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to statements of relatives and independent witnesses as well as the postmortem report. As would appear from the case diary, both the petitioners used to torture the victim over demand for dowry. As per the statement of the mother of the victim recorded before the learned Magistrate, the mother-in-law

used to take loans from different persons and when they came to their house demanding money, the victim was forced to repay the same.

Considering the materials available in the case diary and the roles ascribed to the petitioners and the fact that the petitioner no.1 (Sukdeb Roy @ Subdeb Roy) was in Bengaluru at the relevant point, while I am inclined to grant anticipatory bail to the petitioner no.1 (Sukdeb Roy @ Subdeb Roy), I do not think that this is a fit case for granting anticipatory bail to the petitioner no.2 (Lakshmi Roy). Her prayer is rejected.

The application for anticipatory bail of the petitioner no.1 is hereby allowed.

Accordingly, in the event of arrest, the petitioner no.1 (Sukdeb Roy @ Subdeb Roy) shall be released on bail upon furnishing a bond of Rs.10,000/- 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 he shall meet the Investigating Officer once a fortnight till submission of report in final form, cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM(A) 1395 of 2025** is, thus, partly 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.)