

AD 32
July 29, 2025
Ct. 28
SG

reject

CRM(A) 1555 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Duttapukur P.S. Case No.22 of 2025 dated 06.01.2025 under Sections 85/316(2)/109 of the BNS, 2023 read with Sections 3/4/7 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.
And

In the matter of:

Sk. Tanjil Ali @ Tanjil Ali
... petitioner

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Aniruddha Bhattacharyya
Ms. Anushka Bose
... for the petitioner

Mr. Saibal Bapuli, Id. APP
Mr. Tirthankar Dhali
... for the State

Mr. Amitabha Ghosh
... for the de facto complainant

Learned senior counsel representing the petitioner submits that the FIR contains commonplace allegations. The mother-in-law and other co-accused were granted anticipatory bail. There is no allegation of demand for dowry. In respect of the second part of Section 85 of the BNS, one has to show that the torture is of such nature as would drive the wife to commit suicide or cause other harms to herself. No such case is made out on the present facts. Interestingly, there is no allegation under Sections 3 and 4 of the Dowry Prohibition Act made in the FIR.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail. Within a few years of marriage, the

victim was tortured by the husband and the other in-laws and was driven out with her minor child to fend for themselves. There was not only mental cruelty, but also physical cruelty which is supported by medical documents.

Learned counsel for the State strongly opposes the prayer for anticipatory bail, refers to the case diary and submits that in the FIR there was clear allegation that a demand of Rs.10 lakhs was made as dowry. It is inconsequential whether additional charges under Sections 3 and 4 of the Dowry Prohibition Act included or not. At any point these can be added as charges. There are medical documents which support the allegation of physical torture. There are neighbours' statements which clearly point to the complicity of the present petitioner. Stridhan articles were not returned. As per the report, the petitioner even gave triple talak to the victim, which is prohibited in law.

It appears that there are serious allegations of inflicting of mental as well as physical cruelty in this case. Within a few years of marriage, the petitioner allegedly pronounced triple talak and drove out the victim and her two years old child from the house.

In view of the incriminating materials available in the case diary, including the statements of neighbours and the injury report and the alleged role ascribed to the present petitioner, I do not consider this to be a fit case for granting anticipatory bail.

Accordingly, the application for anticipatory bail is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)