

20/05/2025

D/L 52

Ct. No.28

S.Kundu

Partly Allowed

C.R.M.(A) 1622 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 Domjur police station case no. 715 of 2024 dated 18.9.2024 under Section 498A/354B/406 of the IPC.

In the matter of: Rahul Sk. @ Rahul Seikh & Ors.

... Petitioners

Mr. Kutubuddin

...for the petitioners.

Mr. Pravas Bhattacharya

Mr. D. Mondal

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. The petitioners are the husband, the father-in-law and the brother-in-law of the alleged victim. The marriage took place in 2022. After about seven months of the alleged incident, the FIR was registered. In fact, the same was registered after Triple Talaq was given by the husband to the wife.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail and relies on the statements of victim and other witnesses.
3. It is true that the allegation against the brother-in-law about molestation was made after a considerable period of time and without sufficient explanation for such delay.
4. It is also to be seen whether Triple Talaq was administered as then that would amount to another offence.

5. Considering the materials available in the case diary and the alleged roles ascribed to each of the petitioners, I am not inclined to grant anticipatory bail to the petitioner no. 1/husband. However, I am inclined to grant anticipatory bail to the petitioner nos. 2 (Sagir Sk. @ Sagari Seikh), petitioner no. 3 (Maunjera Bibi @ Manunjera Seikh) and petitioner no. 4 (Ruhul Sk.)
6. In view of the above, the application for anticipatory bail of the petitioner no. 1 is rejected.
7. In the event of arrest, the said petitioner no. 2, 3 and 4 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 further conditions that the said petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses.
8. Accordingly, the application for anticipatory bail is allowed-in-part.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)