

21.05.2025
Court No.28
Item No.30
tbsr
Allowed

CRM (A) 1658 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Ratua** P.S. Case No.**0212 of 2025** dated **18.03.2025** under Sections **109/118(2)/3(5)/351(2)/85/89** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Nargish Khatun @ Nargis Bibi & Ors.**

....Petitioners.

Mr. Aniruddha Bhattacharyya

Mr. Wasim Akram

Ms. Anushka Bose

...for the petitioners.

Mr. S. S. Imam

Ms. Trina Mita

.....for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the in-laws of the alleged victim/de facto complainant including the petitioner no. 6 who is 82 years old father-in-law. The marriage between the couple took place on 13.02.2022. Soon thereafter a girl child was born who is suffering of Down's Syndrome. The allegation of miscarriage is only against the husband and that too at a much prior date. Even so far as the last date of occurrence mentioned in the FIR being 23.02.2025 is concerned, there is a delay in lodging FIR. The main allegations are against the principal accused, the husband. In fact, it has been admitted in the FIR that the husband and the wife stayed separately at a tenanted premises.

Learned counsel appearing on behalf of the State relies on the case diary including the statements of witnesses and the injury

reports. It is not mentioned in any of the injury reports that the injuries were grievous.

It appears from the statement of a neighbour at page 52 of the case diary that the incident of 23.02.2025 happened in the said tenanted premises and this was preceded by a quarrel between the husband and the wife. In that statement there is no mention of the other accused.

It appears that the principal accused in this case is the husband who had regularly tortured the de facto complainant and was allegedly responsible for the serious wounds inflicted on the victim.

However, considering the materials available in the case diary and the alleged 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/- 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 further condition that the petitioners shall cooperate with investigation and shall meet the I.O. as and when required and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)