

23.05.2025
Court No.28
Item No.7
tbsr
Partly Allowed

CRM (A) 1667 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Palashipara** P.S. Case No.**214 of 2025** dated **07.05.2025** under Sections **85/64/62/115(2)/109/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **XXXX & Ors.**

....Petitioners.

Mr. Santanu Talukdar

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the petitioners.

Mr. Bidyut Kumar Roy

Mr. Soumya Basu Roy Chowdhury

.....for State.

Ms. Shalini Bairagi

Mr. P. Ganguly

....for the de facto complainant

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. During pendency of this application, the prime accused being the father-in-law was arrested. Therefore, the application for anticipatory bail is not pressed so far as the petitioner no. 2/father-in-law is concerned. The petitioner no. 1, 3 and 4 are the husband, the mother-in-law and the married sister-in-law. The allegation of attempt to rape was against the father-in-law, who is in custody now. The marriage had taken place three years ago. There is a delay of about 21 days in lodging the FIR.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. She submits that

after the attempted rape by the father-in-law, the husband and the other in-laws did not believe the victim and started assaulting her.

Learned counsel for the State relies on the case diary and points to the statement of the victim recorded before the learned Magistrate, the injury report and the statements of neighbours.

Considering the nature of allegations and the incriminating materials available in the case diary, I am not inclined to grant anticipatory bail to the petitioner no. 1, the husband.

Accordingly, the prayer for anticipatory bail of the petitioner no. 1 is rejected.

However, considering the fact that the petitioner nos. 3 and 4 are the female members of the family, I am inclined to grant anticipatory bail to them.

Thus, in the event of arrest, the petitioner Nos. 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 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 petitioner Nos. 3 and 4 shall cooperate with investigation and shall not threaten or intimidate witnesses.

So far as the petitioner no. 2 is concerned, the application for anticipatory bail is dismissed as having become infructuous.

Accordingly, the application for anticipatory bail is disposed of.

(Jay Sengupta, J.)