

04.09.2025

DL 42 to 45
Court No. 28
S. Kundu
Partly Allowed

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. **CRM (A) 1989 of 2025**

In Re : *An applications 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 Shyampukur PS case no.69 of 2025 dated 13.05.2025 under Sections 85, 316(2), 351(3) and 79 of the BNS.*

In the matter of : **AMIT SUNDAR GHOSH**

.....Petitioner

WITH

Case No. **CRM (A) 1991 of 2025**

In Re : *An applications 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 Shyampukur PS case no.69 of 2025 dated 13.05.2025 under Sections 85, 316(2), 351(3) and 79 of the BNS.*

In the matter of : **INDIRA GHOSH**

.....Petitioner

WITH

Case No. **CRM (A) 1992 of 2025**

In Re : *An applications 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 Shyampukur PS case no.69 of 2025 dated 13.05.2025 under Sections 85, 316(2), 351(3) and 79 of the BNS.*

In the matter of : **GOUR GOPAL PARUI @ GOUR MOHAN GHOSH & ANR.**

.....Petitioners

WITH

Case No. **CRM (A) 2909 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 Shyampukur PS case no.119 of 2025 dated 30.07.2025 under Sections 61(2) and 305 of the BNS.*

In the matter of : **PINKY GHOSH @ PINKI GHOSH MARIK & ANR.**

.....Petitioners

For the Petitioner (in CRM(A) 1989 of 2025):

Mr. Ayan Bhattacharya, Sr. Advocate
Mr. Pinak Kr. Mitra
Mr. Subhojit Saha
Ms. S. Ghosh
Mr. Kaustav Talukdar
Mr. Debendra Nath Saha

For the Petitioner (in CRM(A) 1991 of 2025):

Mr. Shabir Ahmed
Mr. Pinak Kr. Mitra
Mr. S. Saha
Ms. S. Ghosh
Mr. K. Talukdar
Mr. D. N. Saha

For the Petitioner (in CRM(A) 1992 of 2025):

Mr. Prabir Kr. Mitra
Mr. Pinak Kr. Mitra
Mr. S. Saha
Ms. S. Ghosh
Mr. K. Talukdar
Mr. D. N. Saha

For the Petitioner (in CRM(A) 2909 of 2025):

Mr. Sourav Chatterjee
Mr. S. Nag
Ms. Namrata Chatterjee
Mr. Mayukh Majumder

For the de-facto complainant (in CRM(A) 1989 of 2025):

Mr. Phiroze Edulji
Mr. Kirshnendu Bhattacharyya
Mr. Soumya Nag
Ms. N. Chatterjee

For the de-facto complainant (in CRM(A) 1991 of 2025):

Mr. Dhiraj Trivedi
Mr. Krishnendu Bhattacharyya
Ms. Namrata Chatterjee

For the de-facto complainant (in CRM(A) 1992 of 2025):

Mr. Sourav Chatterjee
Mr. Soumya Nag
Mr. Mayukh Majumder

For the de-facto complainant (in CRM(A) 2909 of 2025):

Mr. Pinak Kr. Mitra
MR. S. Saha
Mr. K. Talukder
Mr. D. N. Saha

For the State (in CRM(A) 1989 of 2025):

Mr. Debasish Roy
Mr. Rudridipta Nandy
Mr. R. Datta

For the State in CRM(A) 1991 of 2025):

Mr. Debasish Roy
Mr. Rudridipta Nandy
Ms. Rajnandini Das

For the State in CRM(A) 1992 of 2025):

Mr. Debasish Roy
Mr. Rudridipta Nandy
Mr. Rahul Ganguly

For the State in CRM(A) 2909 of 2025):

Mr. Debasish Roy
Mr. Rudridipta Nandy
Ms. Binay Kr. Panda
Mr. A. Ganguly

In Re : CRM(A) 1989 of 2025
With
CRM(A) 1991 of 2025
with
CRM(A) 1992 of 2025

Learned senior counsel appearing on behalf of the petitioners submits as follows. The petitioner in CRM (A) 1991 of 2025 is the sister-in-law of the alleged victim/de-facto complainant. While the petitioners in the application being CRM (A) 1989 of 2025 is the husband and the petitioners in the application being CRM (A) 1992 of 2025 are the parents-in-law of the de-facto complainant.

Learned senior counsel appearing on behalf of the petitioners submits as follows. The petitioners are now out of their own house. The fourth floor of the building is now being occupied by the de-facto complainant. It is denied that the petitioner had taken away gold ornaments belonging to the de-facto complainant/wife. Pursuant to a direction passed by this Court gold ornaments were seized from the first floor of the said building as indicated by the petitioners. The petitioners did not even object to giving away of about 35 Vories of the gold seized. All this long, the petitioners have been staying at a hotel.

Incidentally the petitioners are in business and they are in the habit of pawning gold for taking loans. This happened even before the marriage of the de-facto complainant 12 years ago. The IT Returns would show that even before marriage of Rs.75 Lakhs worth of gold was pledged to Moothoot Finance and loans taken. It is denied that the de-facto complainant had 100 Voris of gold as Stridhan. Admittedly, the de-facto complainant had a humble origin and the gold that she is claiming were all given by the in-laws. During the pendency of the proceeding out of four gold loans, only two have been closed. The gold there had nothing to do with the de-facto complainant. So far as the present allegations are concerned for 12 long years no allegations were made against the petitioners. In fact, there is no allegation of molestation against the father-in-law in the original FIR and it was added at a subsequent stage. The FIR was lodged six months after the alleged date of incident as indicated in the FIR. The anticipatory bail may be granted on any conditions.

Learned senior counsel appearing on behalf of the de-facto complainant denies the submissions and strongly opposes the prayer for anticipatory bail. By taking advantage of an interim order passed by this Court, the petitioners lodged the false FIR against the de-facto complainant for stealing a Bronze idol along with jewellery and cash. At least leave should have been taken from this Court for closing the loan accounts. There are serious allegations of torture meted out by the in-laws. When some more gold ornaments were being offered by the petitioners, the de-facto complainant refused to accept the same, which shows her *bona fide*. For 12 long years, she suffered this torture without raising any voice because she was coming from a poor family.

Learned Additional Public Prosecutor representing the State strongly opposes the prayer for anticipatory bail. He refers to the case diary and submits that it is indeed very unfortunate that without taking any leave from this Court two gold loans in question were closed during the pendency of the proceedings. In fact one of articles taken out was subsequently seized from the father-in-law's room. There is a statement made before the learned Magistrate of an independent witness staying at the household showing how badly the de-facto complainant was treated by the in-laws. It was from this that the charge of molestation was subsequently added. There is also an injury report of 2013, although at that time the de-facto complainant was possibly forced to say it injury was suffered due to a fall.

It appears that the marriage between the petitioner in CRM (A) 1991 of 2025 and the de-facto complainant took place 12 years ago. The petitioner is now staying at the third floor of the matrimonial home.

During the pendency of the proceeding, some gold was seized and about 35 Voris of gold was handed over to the de-facto complainant, although her claim is that 100 Voris of gold belonged to her as Stridhan, which was allegedly taken away by the petitioner and pawned.

The allegation of molestation as against the father-in-law was a subsequent addition and did not find a place in the FIR.

However, there are statements of independent witnesses as well as the victim claiming that torture was meted out to the victim by the in-laws, especially by the husband.

Considering the above, the materials available in the case diary and the alleged roles ascribed to each of the petitioners, while I am inclined to grant anticipatory bail to the sister-in-law and the parents-in-law of the alleged victim, the application for anticipatory bail of the husband is rejected.

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 further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The father-in-law shall meet the I.O once a fortnight till submission of report in final form.

In Re : CRM(A) 2909 of 2025

Heard the learned counsels for the parties.

Perused the case diary.

Considering the fact that there are case and counter case, the materials available in the case diary and the alleged role ascribed to the petitioners, I am inclined to grant anticipatory bail to the petitioners.

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 further conditions that the petitioners shall cooperate with the investigation.

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

(Jay Sengupta, J.)