

04.08.2025
Court No.28
Item No.30
tbsr
Allowed

CRM (A) 2374 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kushmandi** P.S. Case No.**60 of 2025** dated **17.03.2025** under Sections **498A/323/325/307/376/406/506/34** of the Indian Penal Code, 1860.

And

In the matter of: XXXX & Ors.

....Petitioners.

Mr. Mazhar Hossain Chowdhury
Ms. Chandrima Debnath
....for the petitioners

Ms. Sujata Das
Ms. Diksha Ghosh
....for the State

Mr. Bibaswan Bhattacharya
Mr. Abhik Sen
....for the de-facto complainant

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos. 1 and 2 are the brothers-in-law, the petitioner no. 3 is the mother-in-law and the petitioner no. 4 is the cousin brother-in-law of the de-facto complainant/alleged victim. The allegation of sexual assault was against the father-in-law who is now on bail. The husband of the alleged victim is also on bail. Four other accused were granted anticipatory bail. The application under Section 175(3) of the BNSS was filed after about one year and four months of the last date of occurrence. There is hardly any allegation against the present petitioners.

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

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and points to the statements of witnesses

and other materials available in the case diary including an injury report of 17.03.2025, which refers to multiple small bruises (old) on both leg, right arm and scalp.

Considering the material available in the case diary, the alleged roles ascribed to the present petitioners and the fact that charge sheet has been submitted, 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 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 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.)