

AD 32
August 25, 2025
Ct. 28
SG

CRM(A) 2210 of 2025

Reject

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burdwan Women P.S. Case No.328 of 2024 dated 09.11.2024 under Sections 85/109(1)/316(2)/61(2)/3(5) of the BNS.

And

In the matter of:

Prabir Das

... petitioner

Mr. Uday Sankar Chattopadhyay
Ms. Sadia Parveen
Ms. Bidisha Chakraborty
Ms. Aishwarya Datta

... for the petitioner

Ms. Faria Hossain
Ms. Sreetama Das

... for the State

Learned counsel for the petitioner submits that the petitioner is the husband of the de facto complainant. The marriage took place in 2020. The wife left the matrimonial home voluntarily without sufficient cause. A charge-sheet has been submitted.

At this stage, it is submitted on behalf of the petitioner that there is no charge of attempt to murder.

Learned counsel for the State relies on the case diary and submits that as would appear from the detailed allegations made in the FIR, immediately after the marriage the husband started torturing the wife. On 02.08.2022, the accused

forcibly administered poison to the victim. She had to be medically treated at the local rural hospital. There is a medical document present in the case diary to such effect. It stated that it was a case of poisoning (gamaxine) and stomach wash had to be done. It is alleged that after this incident the petitioner again resumed marital life, but soon after again started to torture the wife over demand of dowry. The victim had to bear with all these torture thinking about the future of the minor child. But, finally the husband and the in-laws again tortured and assaulted her and drove her out of the matrimonial home with the minor female child.

Neither is the Court taking cognizance nor is this Court bound by the provisions imputed by the particular investigating officer in the charge-sheet. One is to go by the materials available in the case diary.

Considering the incriminating materials available in the case diary as above, including the detailed FIR lodged by the victim wife and the medical report for the earlier case of poisoning, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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

(Jay Sengupta, J.)

