

28.08.2025
SL.39
Ct.No.28
NB

CRM (A) 2450 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 Mothabari P.S. Case No.528 of 2024 dated 02.09.2024 under Sections 85/115(2)/109//3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Sam Mohammad Khan @ Samim Khan & Ors.
.... petitioners

Ms. Shibani Agarwal.
...for the petitioners.

Ms. Manisha Sharma,
Mr. Prakash Mishra.
...for the State.

Mr. Amanul Islam,
Mr. Saurav Mukherjee,
Mr. Gaurav Roy.
...for the de facto complainant.

A copy of the statement of the victim recorded before a Magistrate, as filed in Court, is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos.2 and 3 were arrested. So their application for anticipatory bail was not pressed earlier. The petitioner no.1 is the husband of the alleged victim. The couple is staying together and the husband is taking care of the wife who is in the family way.

Learned counsel appearing on behalf of the State relies on the case diary and the subsequent statement of victim recorded before a learned Magistrate. She submits that according to the injury report, the nature of the injury was grievous. It was alleged that the victim was hanged by the accused. But, she survived and there was a

ligature. However, in the subsequent statement, the victim spoke about a dispute prevailing between the private parties. The victim is eight months into the family way. She wants that the petitioner gets anticipatory bail.

Learned counsel appearing on behalf of the de facto complainant/victim submits that the husband and wife are both staying together and the victim does not want her husband to be arrested.

Although there were incriminating materials available in the case diary, in view of the fact that the victim is in the family way and she wants to be with her husband and as there is a statement made by her that she is staying together with the husband, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses and shall meet the Investigating Officer once a week till submission of report in final form.

The application for anticipatory bail being **CRM (A) 2450 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)