

21.08.2025
Sl. No.40
Ct. 28
NB

C.R.M. (A) 2472 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 Murshidabad P.S. Case No.86 of 2025 dated 30.01.2025 under Sections 85/117(2)/351(2)/351(3)/62/64/109/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3/4 of The Dowry Prohibition Act pending before the learned Additional Chief Judicial Magistrate Lalbagh, Murshidabad.

And

In the matter of: XXX & Anr.

... petitioners

Mr. Md. Golam Nure Imrohi,
Ms. Madhurai Sinha.
...for the petitioners.

Mr. Bidyut Kr. Ray,
Mr. Ashok Das.
...for the State.

Report filed on behalf of the State is taken on record.

The alleged victim was notified. But, she is not represented.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the father in law of the alleged victim/de facto complainant. The marriage between the couple took place 10 years ago. On 08.01.2025, the husband sent a notice of restitution of conjugal rights to the wife who had deserted the husband. As a counterblast, the present FIR was lodged by the wife on 30.01.2025. In the said FIR, an allegation has been made that six months ago the father in law had attempted to rape her.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He relies on the statements available in the case diary. However, he admits that the victim had refused to undergo a medical examination.

Considering the materials available in the case diary, the delay in lodging the FIR and the fact that prior notice was issued praying for restitution of conjugal rights, I do not think that custodial interrogation of the petitioners are required in this case and I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioner 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 the petitioners shall meet the Investigating Officer once a fortnight till submission of report in final form.

The application for anticipatory bail being **CRM (A) 2472 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.)