

09.12.2025
Court No.28
Item No.4
tbsr
Allowed

CRM (A) 2623 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Balurghat Women P.S.** Case No. **46 of 2025** dated **13.06.2025** under Sections **417/498A/323/406/420/307/34** of the Indian Penal Code.

And

In the matter of: Akbar Ali Sarkar & Ors.

Mr. Bani Israil
Mr. Sayed Md. Sayud
Mr. Aranya Basu
...for the petitioners.

Mr. Iqbal Kabir
Mrs. Rituparna Saha
.....for the State.

Ms. Afreen Begum
....for the de facto

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the parents-in-law, the brother-in-law and the married sister-in-law of the alleged victim. The husband has been arrested. The marriage between the couple took place in 2021. In 2022, the victim took Islam. In the present FIR, it has been categorically stated by the victim that the couple was staying separately at a rented accommodation. While she claimed that after she was assaulted on 28.06.2024 in West Bengal, she went to Delhi and gave birth to a child while the records would show that the child was born on 08.06.2024 at Delhi. The second complaint was registered by the same victim against the petitioners, the husband and another immediately after receiving notice of pendency of this application before this Court.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. She submits that the petitioners are very much responsible for the torture meted out. Even in the second case, the victim was tortured and was hospitalized and that was before the victim received notice of pendency of this application.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that the prime accused, being the husband, did not disclose his actual faith and deceitfully entered into a marriage with the victim. Thereafter, the husband and all the in-laws tortured the victim.

There are serious allegations of torture inflicted on the victim. However, the principal accused is clearly the husband and he is in custody.

Considering the above and the alleged roles ascribed to the present petitioners in respect of the instant case, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant to 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 cooperate with investigation, shall

not threaten or intimidate witnesses and the petitioner nos. 1 and 3 shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

The appearance of Investigating Officer is noted and is dispensed with.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)