

09.09.2025
Court No.28
Item No.63
ssi

CRM (A) 2669 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Pingla PS Case No. **104 of 2025** dated **19.05.2025** under Sections 85/115(2)/118(1)/117(2)/109/76/64/316(2)/351(2)/3(5) of the BNS read with 3/4 Dowry Prohibition Act.

And

In the matter of: **XXXX & another.**

....Applicants/Petitioners.

Mr. Navanil De
Mr. Srinjan Ghosh

...for the petitioners

Mr. Anupam Adhikary
Mrs. Rituparna Saha

..for the State

Mr. Amit Ranjan Pati

..for the victim

Learned counsel appearing on behalf of the petitioners submits as follows. The marriage between the de facto complainant and her husband took place about five years ago. Out of 13 accused, 9 were granted anticipatory bail. The husband is not before this Court. The petitioner no.1 is the brother in law (nondai) and the petitioner no.2 is another brother in law (bhasur) of the de facto complainant/alleged victim. It is alleged in the FIR that in July 2023, the petitioner no.2 sexually assaulted her and again in February 2025, the petitioner no.1 raped her. It was further alleged that two months later, she was ousted from the house. The FIR was registered much later, on 30.04.2025.

Learned counsel appearing on behalf of the de facto complainant submits that a complaint was made immediately after the incident of 2025 before the police authorities by post. The petitioners and other

co-accused had committed torture and assault upon the de facto complainant and her father and the present petitioners had raped the victim in 2023 and 2025, respectively.

Learned counsel appearing on behalf of the State relies on the case diary including the FIR, the further statement of the victim made before a learned Magistrate, the injury reports and the statements of other witnesses.

Although an allegation of rape has been leveled against the petitioner no.2, in 2023 in the FIR, there is no mention of the same in the statement of the victim recorded before the learned Magistrate.

Considering the above, the materials available in the case diary and the alleged roles ascribed to each of the present petitioners, while I am inclined to grant anticipatory bail to the petitioner no.2, the application for anticipatory bail of the petitioner no.1 is rejected.

Accordingly, the application for anticipatory bail of the petitioner no. 2 is allowed.

In the event of arrest, the petitioner no.2 shall be released on bail upon furnishing a bond of Rs.10,000/- 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 conditions that the petitioner no.2 shall not threaten or intimidate witnesses. The petitioner no.2 shall meet the I.O. once a week till submission of report in final form. The petitioner no.2 shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)