

09/09/2025

D/L 75

Ct. No.28

S.Kundu

Rejected

C.R.M.(A) 2813 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Sadaipur police station case no. 97 of 2025 dated 7.4.2025 under sections 49/64(2)/80(2)/85/351(3)/3(5) of the BNS.

In the matter of: **XXX**

... Petitioner

Mr. Karan Dudhwewala
Mr. Soumalaya Ganguly

...for the petitioner.

Mr. Sujoy Sarkar

...for the de-facto complainant.

Mr. Soumik Ganguly
Mr. Sharequl Haque

...for the State.

1. Learned counsel appearing for the petitioner submits as follows. The petitioner is the brother-in-law of the alleged victim. The marriage between the alleged victim and her husband took place in 2023. On 27.3.2025 the victim consumed poison. She died on 30.3.2025. After 7 days an FIR was lodged by the father. The husband and the father-in-law were arrested on 8.4.2025. They were granted bail after 70 days of custody. Anticipatory bail of the mother-in-law was allowed but the petitioner's prayer was turned down by the Sessions Court. The petitioner has been falsely implicated in this case. Charge-sheet has been submitted.
2. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. He

submits that as would be clear from the FIR, the petitioner was not only tortured by the husband and the other in-laws including the petitioner, she was repeatedly raped by the present petitioner. This was confided to her father the de-facto complainant. This amounts to a verbal during declaration.

3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the FIR, the statements of neighbours and the post-mortem report.
4. Considering the serious nature of allegations and the incriminating materials available in the case diary including the FIR which speaks about confiding about the alleged crimes of the present petitioner by the alleged victim, I do not consider this to be a fit case to grant anticipatory bail to the petitioner.
5. Accordingly, the application for anticipatory bail is rejected.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)