

22/09/2025
D/L – 23
Court No.28
S. Kundu
Partly Allowed

C.R.M.(A) 2875 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Arambagh police station case no. 304/2025 dated 27.5.2025 under Sections 85/126(2)/115(2)/316(2)/352/351(2)/89 of the BNS.

In the matter of: Gautam Sarkar & Ors.

...Petitioners.

Mr. Amitabha Karmakar
Mr. Gautam Banerjee

...for the petitioners.

Mr. Pradip Kr. Chatterjee
Ms. Maitrayee Chatterjee

...for the de-facto complainant.

Mr. Imran Ali
Mr. Abhinaba Mukherjee

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. The petitioner no. 1 is the father-in-law, the petitioner no. 2 is the mother-in-law and the petitioner no. 3 is the husband of the alleged victim. The petitioners have been falsely implicated in this case. However, a settlement has been arrived at between the private parties and the alleged victim has come back to the household and is staying together with the husband at present.
2. Learned counsel appearing for the alleged victim/de-facto complainant, upon instruction from the said victim who is present in Court, submits that the husband and wife are now staying together.

3. Learned counsel appearing for the State relies on the case diary and strongly opposes the prayer for anticipatory bail. He submits that not only are there allegations of torture, physical and mental, inflicted by the petitioners, but there are also medical reports supporting the de-facto complainant's contention that the husband had earlier severely assaulted the victim with fists and kicks at her abdomen causing her partial miscarriage. When the foetus came out partly, it was the husband who took it out the. Rest of the portion of the foetus had to be operated in the hospital. The hospital records bear testimony to this version.
4. The incriminating materials available in the case diary especially as against the husband are abhorrent and cannot be overlooked merely because the wife might have, for some reason, come before this Court to say that they were living happily.
5. Moreover, there are allegations of threat made by the husband as would be evident from the statement of the victim earlier recorded before the Magistrate.
6. Considering the above and in the interest of justice, while I am inclined to grant anticipatory bail to the petitioner no. 1 (Gautam Sarkar) and petitioner no. 2 (Samhita Sarkar) who are the parents-in-law of the alleged victim and the application for anticipatory bail of the husband i.e., the petitioner no. 3 is rejected.

7. In the event of arrest, the petitioner nos. 1 and 2 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 further conditions that the said petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner no. 1 shall meet the Investigating Officer once a fortnight till submission of report in final form.
8. Accordingly, the application for anticipatory bail is allowed-in-part.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)