

13.11.2025
Court No.28
Item No.8
tbsr

CRM (A) 2991 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Raiganj** P.S. Case No.**749 of 2025** dated **06.07.2025** under Section **85/109/351(2)** of the Bharatiya Nyaya Sanhita, 2023 r/w Section 3/4 of the Dowry Prohibition Act.

And

In the matter of: Manik Paul @ Manik Pal

....Petitioner.

Mr. Sourov Mondal
Mr. M. Nazar Choudhury
Mr. Archan Datta
Mr. Rony Mondal
Mrs. Priyanka Saha
...for the petitioner.

Mr. Atif Ahmed Siddique
.....for the State.

Supplementary affidavit filed on behalf of the petitioner carrying a pen drive is taken on record.

Learned counsel appearing on behalf of the petitioner submits that in the guise of taking statement of the minor child, the Investigating Officer came to the petitioner with a force and forcibly handed over custody of the minor child to the mother. The neighbours vehemently protested, but their statements were purposely not taken. There is a video recording of the incident available with the petitioner.

Perused the video recording.

It appears from the video footage that the minor child was crying for his father. Yet, she was forcibly taken away and custody was allegedly given to the mother.

But, a statement of the minor victim taken thereafter before a Magistrate apparently shows that she wanted to stay with the mother and not with the father.

It is indeed doubtful whether the minor child was making such statement out of her own free will.

In view of the above and for the ends of justice, let the investigation of the case be immediately transferred to an Officer of the rank of D.S.P. to be deputed for such purpose by the SP, Raiganj.

The new Investigating Officer shall have another statement of the minor girl recorded before a learned Magistrate and the said Investigating Officer shall also records statements of neighbours of the accused.

The father of the child shall be at liberty to seek custody of the child in accordance with law.

Considering the materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner 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 condition that the

petitioner shall cooperate with investigation and shall meet the I.O. as and when required.

The application for anticipatory bail is, thus, allowed.

Let a copy of this order be sent to the D.G.P., West Bengal for necessary action in respect of the apparent abuse of power by the present Investigating Officer.

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

(Jay Sengupta, J.)