

06.11.2025
Sl. No.16
Ct. 28
NB

CRM (A) 3163 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sonarpur PS Case No.98/2025 dated 16.01.2025 under Sections 318(4)/316(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Subrata Dey & Ors.

... petitioners

Mr. Arunagshu Chakraborty,
Mr. Arijit Bera,
Mr. Maheswar Malo Das.
...for the petitioners.

Ms. Faria Hossain,
Mr. Kaustav Banerjee
...for the State.

Ms. Sonali Das,
Mr. Ronit Naskar,
Mr. Arkya Dey.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the two brothers in law and the son of the de facto complainant. Earlier, the de facto complainant had driven out his wife and child, the present petitioner no.3 from his house. He had to be brought up in his maternal home. However, after the boy took admission in school, some money used to send by the father. When the petitioner no.3 was doing his post-graduation, he took some loan from the father/de facto complainant. By suppressing all these, the present FIR has been lodged. In fact, a few days ago, the mother of the petitioner no.1 was severely beaten up by the de facto complainant.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail and submits that the money taken by the son and the brothers in law needs to be secured. The petitioners had also assaulted the de facto complainant.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the materials available in the case diary including the statements of witnesses.

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

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioners shall meet the Investigating Officer as and when required.

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

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

