

03.11.2025
Court No.28
Item No.33
ssi

CRM (A) 3177 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Kharagpur (L) PS Case No.**735 of 2025** dated **11.08.2025** under Sections 85/115(2)/75(2)/76/64(2) (f)/109(1)/3(5) of the BNS, 2023.

And

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

....Applicants/Petitioners.

Mr. Navanil De
Mr. Shoumilya Mazumder

...for the petitioners

Mr. Prasun Kr. Dutta
Ms. Trina Mitra

...for the State

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The marriage between the couple took place eleven years ago. The petitioners are the father-in-law and the husband of the alleged victim. The allegation of rape has been leveled against the father-in-law. Earlier also an allegation of molestation was made against the father in law. The criminal case ended in a settlement and the proceeding was dropped.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. However, he submits that the allegations in the earlier case were quite similar to the present one.

Considering the materials available in the case diary, the fact that substantially similar allegations were leveled against the alleged

victim in an earlier criminal case which ended in a settlement and the fact that charge sheet has already been submitted, 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 petitioners.

Accordingly, the application for anticipatory bail of the petitioners is allowed.

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 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 petitioners shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioners shall meet the I.O. once a fortnight till submission of report in final form.

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

(Jay Sengupta, J.)