

21.11.2025
Sl. No.19
Ct. 28
NB

CRM (A) 3248 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 Mahishadal PS Case No.148/2025 dated 17.04.2025 under Sections 115(2)/109/351(2)/3(5)/85 of the BNS.

And

In the matter of: Sk. Baktiar & Anr.

... petitioners

Mr. Arnab Chatterjee,
Mr. Abhinaba Mukherjee,
Mr. Avik Ghosh,
Ms. Ankusha Ghosh.

...for the petitioners.

Mr. Bidyuyt Kr. Roy,
Mr. Sachit Talukdar.

...for the State.

Ms. Reshmi Khatun

...for the de facto complainant.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the mother of the alleged victim. This is a second application for anticipatory bail. After the rejection of the first application on merits, there have been substantial change in circumstances. During pendency of the matter, a compromise and settlement had been arrived at between the private parties. The couple is staying together. In this regard, reliance is placed on orders dated 01.09.2015 passed in CRM(A) 7931 of 2015 dated 23.07.2025 in CRM(A) 2159 of 2025 dated 27.06.2024 and 18.07.2024 in CRM(A) 1980 of 2024 in CRM and dated 07.02.2020 in CRM 10457 of 2019.

Learned counsel appearing on behalf of the de facto complainant submits that a compromise and settlement has indeed been arrived at between the private parties. The petitioners have apologized to the alleged victim and the husband and the wife are now staying together at the de facto complainant's matrimonial home. The de facto complainant/alleged victim did not have any objection if any anticipatory bail was granted to the present petitioners. The alleged victim has given further a statement in this regard before the learned Magistrate.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that on 07.11.2025, the de facto complainant/alleged victim made a statement before the learned Magistrate that she wanted to resume her marital ties with her husband and the matter has been settled between the private parties. The alleged victim also stated that she did not have any objection if anticipatory bail was granted to the petitioners.

This is a special circumstance where the private parties have buried their hatchet and decided to settle their differences.

It appears that the petitioners and the de facto complainant/alleged victim have started living together. There is also a further statement in this regard given by the alleged victim before the learned Magistrate.

In view of the above and considering the earlier orders passed by coordinate Benches of this Court, I consider this to be a change in circumstances so as to maintain the second application for anticipatory bail.

Considering the above and in view of the materials available in the case diary and subsequent statement made by the alleged

victim recorded before the learned Magistrate, 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 petitioner no.1 shall meet the Investigating Officer once a fortnight till submission of report in final form.

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.)