

31.01.2025.
Sl. No.08.
Ct. No. 1
tkm/SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri

C.R.M. (DB) 31 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Maynaguri P.S. Case No. 488 of 2024 dated 29.10.2024 under Sections 85/76/77/109/3(5)/64(f) of BNS.

And

In the matter of : **Bhupendra Nath Roy.**

... Petitioner.

Mr. Arijit Ghosh.

...for the petitioner

Mr. Ujjal Luksom,
Ms. Namrata Das.

...for the State

1. Petitioner is the father-in-law of the victim. He contends his son instituted a suit for restitution of conjugal rights against her. Subsequently, a criminal case alleging rape was instituted. Accordingly, he prays for bail.

2. Learned Advocate for the State submits opposes the prayer for bail.

3. Learned Advocate for the *de facto* complainant submits no notice of the suit for restitution had been served upon the victim. On the other hand, she was subjected to torture and raped.

4. We have considered the materials on record in light of the rival submissions of the parties. A suit for restitution of conjugal rights was instituted in September, 2023 by the husband against the *de facto* complainant. She had entered appearance in the said suit. After institution of the suit, the *de facto* complainant

lodge a criminal case alleging the petitioner i.e. her father-in-law raped her. It is contended no notice of the suit had been served upon her. Be that as it may, it appears that the *de facto* complainant had otherwise information with regard to the institution of the suit and had entered appearance. Whether such knowledge with regard to institution of the suit was prior to lodging of FIR or the same was a counterblast requires to be assessed at the appropriate stage of the proceeding. Possibility of false implication due to prior enmity between the *de facto* complainant and her in-laws cannot be ruled out.

5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Therefore, the accused/petitioner, namely **Bhupendra Nath Roy**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

7. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)