

18.02.2026
Court No.28
Item No. 32
tbsr
Allowed

CRM (A) 325 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Palashipara** P.S. Case No.**571 of 2025** dated **03.11.2025** under Sections **85/109/115(2)/117(2)/351(2)/64/62/76/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Petitioner & Ors.**

....Petitioners

Mr. Ashraf Mondal
....for the petitioners

Mr. Saibal Bapuli
Ms. Trisha Rakshit
....for the State

Mr. Priyankar Ganguly
Mrs. Shalini Bairagi
Mr. Amaan Deep Gupta
Ms. Pipasha Chakraborty
....for the de facto complainant

Leave is granted to amend the cause title.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband, the mother-in-law and the married sister-in-law of the alleged victim. The principal accused is the brother-in-law who is not before this Court. Earlier, the uncle-in-law, standing substantially on the same footing as the present petitioners, was granted anticipatory bail by this Court on 05.01.2026 in CRM(A) 4178 of 2025.

Learned APP representing the State opposes the prayer for anticipatory bail. He refers to the injury report, the statement of the alleged victim and the statements of other witnesses.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail.

It appears that the allegation of attempted rape is against a co-accused/brother-in-law of the victim.

The alleged survivor made specific allegations against the present petitioners along with another in her statement before the learned Magistrate and also mentioned the names in the injury report. However, it is also admitted in the statement of the alleged victim that prior to the alleged incident of attempted strangulation, there was a notice of divorce issued by the husband.

Considering the above, the other materials available in the case diary, the alleged roles ascribed to the present petitioners, the fact that substantially similarly circumstanced co-accused was granted anticipatory bail by this Court and that the allegation of attempted rape is against the principal accused/brother-in-law, who is not before this Court, 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.

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 cooperate with investigation, shall

not threaten or intimidate witnesses and the petitioner no. 1 shall meet the I.O. once a week till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

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.)