

AD 74
April 7, 2026
Ct. 28
SG

Reject

CRM(A) 716 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak P.S. Case No.304 of 2025 dated 26.02.2025 under Sections 85/80/3(5) of the BNS, 2023.

And

In the matter of: XXX and another ... petitioners

Mr. Arnab Saha ... for the petitioners

Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharyya ... for the State

Mr. Sourav Mukherjee
Mr. Abhimanyu Banerjee ... for the de facto complainant

Written instruction filed by the de facto complainant is taken on record.

Learned counsel for the petitioners submits that the petitioners are the husband and the mother-in-law of the alleged victim. It is alleged in the FIR that the 14 year old victim girl got married to the present petitioner. After a few years, she committed suicide. Actually, the incident happened because the victim wanted to have a mobile phone. The same could not be provided by the husband/petitioner, and therefore the victim committed suicide.

Learned counsel for the de facto complainant submits that it was indeed a case where the minor victim girl wanted

a mobile phone which could not be provided by the husband or the father, and therefore she committed suicide.

Learned counsel for the State strongly opposes the prayer for anticipatory bail and relies on the statements of local witnesses, the FIR and the post-mortem report. He submits that the post-mortem report and the school admit card of the alleged victim established that she was a minor. It appears from the FIR lodged by the de facto complainant that promptly after the incident, there were allegations that the accused had demanded Rs.5 lakhs as dowry through the victim. As the de facto complainant was not able to fulfill such demand, the minor victim girl, aged about 14 years, was subjected to severe assault and torture by the accused. The torture gradually increased. In the night of 24.02.2025, the minor victim girl communicated about such demands for dowry and further torture to her mother over phone. This prompted the de facto complainant to arrange money from other relatives of the de facto complainant on that very night. On the next day i.e., on 25.02.2025 when he went to the house of the accused, he found that the victim had already committed suicide by hanging. Surprisingly, in the subsequent statement of the de facto complainant recorded before the learned Magistrate, for whatever extraneous reason, he stated that his daughter actually wanted a mobile phone and it could not be provided the victim and hence, she committed suicide.

This is, indeed, a very unfortunate case where a minor victim girl has been wronged not only by her in-laws, but also by her own. Here, the father of the minor victim girl married her off at the age of 14 years. Initially, he alleged torture of the victim at the hands of the in-laws for demand for dowry, but later changed his stand taken in his FIR to a totally different story, thereby effectively trying to exonerate the accused.

However, the statements of the mother of the victim as well as the neighbour of the accused support the prosecution case in no uncertain terms.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)