

09.04.2026
Sl. No.45
Ct. 28
NB

C.R.M (A) 674 of 2026

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 Contai PS Case No.733/2025 dated 13.12.2025 under Sections 108/115(2)/3(5)/351(2) of the BNS, 2023.

And

In the matter of: Tanushree Bera & Anr. ... petitioners

Mr. Himanshu De Sr.Adv.,
Mr. Navanil De,
Mr. Srinjan Ghosh,
Ms. Mamta Karna.
...for the petitioners.

Mr. Debabrata Chatterjee,
Ms. Trina Mitra.
...for the State.

Mr. Sabir Ahmed,
Mr. Vishwarup Acharyya.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is a student of 1st Year of Engineering in a private college and the petitioner no.2 is the mother of the petitioner no.1. It is alleged that the victim who was a domestic help employed by the petitioners' family developed an illicit relationship with the petitioner no.1. When the same was discovered, the father of the petitioners allegedly rebuked him and even assaulted him. However, there is no mark of assault that could be seen in the postmortem report. It is further alleged that thereafter the alleged victim committed suicide. The petitioners have been falsely implicated in this case. In any event, the main

allegations are against the father of the petitioner no.1 who was arrested and was thereafter granted bail.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that investigation of the case is not going on properly. For this, a writ petition had to be filed by the de facto complainant, which is pending. There is also a verbal dying declaration made by the victim before his brother.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the brother of the alleged victim and other witnesses. He also relies on the postmortem report. There is a purported dying declaration, however, made only to the brother of the alleged victim.

It will be for the Courts to finally decide whether there is any abetment of suicide in this case.

However, considering the other materials available in the case diary, the alleged role ascribed to the present petitioners and the fact that one of the co-accused was arrested and was thereafter granted bail, 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, 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.

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.)