

18.05.2026
Sl. No.21
Ct. 28
NB

C.R.M (A) 1143 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 Raiganj PS Case No.173/2026 dated 18.02.2026 under Sections 85/82(1)/89/64/109/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: XXX & Anr.

... petitioners

Mr. Aniruddha Bhattacharyya,
Ms. Anuska Bose,
Ms. Rai Das.

...for the petitioners.

Mr. Krishnendu Bhattacharya,
Mr. Priyankar Ganguly.

.....Amicus.

Ms. Sima Ghosh

...for the victim.

Memo of Evidence filed by the Amicus is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the husband of the de facto complainant and the petitioner no.2 is her stepson. The marriage between the couple took place in 2024. Soon after the marriage, the de facto complainant started torturing the petitioner no.1, which prompted the petitioner no.1 to file a complaint case against her and another on 29.12.2025. As a counterblast, the present FIR was lodged on 08.02.2026 making wanton allegations against the petitioners. It is alleged that the de facto complainant had conceived in the meantime and was beaten up on 31.01.2026

leading to miscarriage. However, the FIR was lodged after about 18 days therefrom. The petitioners have been falsely implicated in this case.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. She submits that the de facto complainant is an Anganwadi Sahaika. She was kept confined. But, no medical document regarding her miscarriage or even conception is available with her.

Learned Amicus assisting the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to the statement of the alleged victim recorded before the learned Magistrate and the other statements. However, he submits that medical examination was refused by the alleged victim.

Considering the above, the other materials available in the case diary, the fact that there was a prior complaint case filed by the petitioner no.1 against the present de facto complainant and that the alleged victim refused to undergo medical examination, 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 petitioner 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 shall meet the Investigating Officer once a week 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.)