

13/05/2026
D/L – 13
Court No.28
S. Kundu
Rejected

C.R.M.(A) 1216 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with English Bazar P.S case no. 334 of 2026 dated 08/03/2026 under sections 85/70(1)/109 of the BNS read with Section 4 of the Dowry Prohibition Act and 4 of Muslim Women (Protection of Rights on Marriage) Act.

In the matter of: XXX & Anr.

...Petitioners.

Mr. Anamitra Banerjee
Mr. Musharraof Alam
Sk. Sarfaraj Nawaj
Ms. Pampa Mahta

...for the petitioners.

Md. Wasim Akram
Ms. S. Parveen
Mr. M.S. Islam

...for the de-facto complainant.

Mr. Krishnendu Bhattacharyya

...amicus.

1. Learned counsel appearing on behalf of the petitioners submits as follows. As the petitioner no. 1, being the husband of the alleged victim, was arrested, the application was not pressed earlier. The petitioner no. 2 is the cousin brother of the said husband. The accused have been falsely implicated in this case. After pronouncing *talak* to the husband, the alleged survivor herself went away from the matrimonial home.
2. Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the alleged survivor was forced to sign on a paper and was thereafter driven out. Then, the

husband came as if to settle the matter. She was called to a place by the side of the river Mahananda. When she reached there, she was gang raped by the accused. In fact, the accused tried to murder her by drowning her.

3. Learned amicus assisting the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the statements of witnesses including the statement of the victim recorded before the learned Magistrate, which clearly implicates the accused. He also refers to the medical examination of the victim where the victim stated about the incidents. There were certain external signs of purported injuries noted on the body of the victim. According to the opinion of the doctor, the possibility of sexual violence could not be ruled out and the injuries had been inflicted within five days.
4. Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case to grant anticipatory bail to the petitioners.
5. Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)