

13.05.2026
Sl. No.25
Ct. 28
NB

C.R.M (A) 1296 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 Baguiati PS Case No.140/2026 dated 11.04.2026 under Sections 109/115(2)/117(2)/3(5)/316(2)/351(2)/85 of the Bharatiya Nyay Sanhita, 2023 and Section 4 of the Dowry Prohibition Act, 1961.

And

In the matter of: Subham Agarwal ... petitioner

Mr. Sourav Chatterjee,
Mr. Abhinav Rakshit,
Mr. Shivam Bhimsaria.
...for the petitioner.

Mr. Krishnendu Bhattacharya,
Mr. Koustav Lal Mukherjee.
..... Amicus.

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

Learned senior counsel representing the petitioner submits as follows. The petitioner is the daughter of the de facto complainant. The marriage between the couple took place about 7 years ago. Commonplace allegations have been levelled against all the accused at the in-law's place. The younger brother of the petitioner was to get married. In order to put the petitioner in trouble, the informant chose to lodge the FIR against the petitioner on 11.04.2026. There was a phone call conversation between the sister of the alleged victim and the fiancée of the petitioner's brother, which would show that the said sister had threatened to have the accused picked up by the police. In this regard, a pen

drive containing such conversation was relied upon on behalf of the other co-accused while moving an application for anticipatory bail before this Court. On 17.04.2026, this Court was pleased to grant anticipatory bail to the said co-accused in *CRM (A) 1174 of 2026*.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of the alleged victim, the statements of other witnesses and the medical papers regarding swallowing of sleeping pills. It was only after the alleged victim had taken sleeping pills and had to be hospitalized that the present FIR was lodged. However, there is no other injury report present in the case diary.

Considering the above and the other materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner 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.)