

23.06.2026
SL.30
Ct.No.28
NB

CRM (A) 1529 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 Berhampore P.S. Case No.2405 of 2025 dated 11.11.2025 under Sections 109(1)/115(2)/117(2)/3(5) and adding Section 103(1) of the BNS, 2023.

And

In the matter of: Kabita Mondal & Anr.

... petitioners

Mr. Diptangshu Basu,
Mr. Sayan Das.
...for the petitioners.

Mr. Sagar Saha,
Mr. Saswata Chatterjee.
...for the State.

Memo of Evidence filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The de facto complainant had got married for the second time to one Baban Mondal. She had a minor daughter from the first marriage. The said Baban Mondal and her family members including the present petitioners who are his sisters did not like her and would often assault her. It is alleged that the said Baban Mondal had taken away the minor victim girl and thereafter the victim girl was found dead. The petitioners have been falsely implicated in this case. The said principal accused being Baban Mondal is in custody. The mother in law who was also arrested was granted bail. Charge sheet has been submitted.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to the FIR, the postmortem report and the statements of witnesses including neighbours. While the victim's mother in her statement before the learned Magistrate stated that when she went to the toilet, her daughter was standing outside. After some time, the said Baban Mondal came. When she refused to open the door, he did not hear either the said Baban Mondal or the child. Some of the local witnesses stated that immediately after the incident, the said Baban Mondal came with the child in her lap and tried to give the child to them saying that something might have happened to her.

It appears that the said Baban Mondal is the principal accused, who is in custody.

Considering the above, the other materials available in the case diary, the fact that the principal accused being Baban Mondal is in custody and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the present 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 not threaten or intimidate witnesses or tamper with evidence and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall regularly attend the jurisdictional Court.

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.)