

08.01.2026
Court No.28
Item No.14
tbsr
Allowed

CRM (A) 4055 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tamluk** P.S. Case No.**892 of 2025** dated **05.11.2025** under Sections **85, 115(2), 3(5)** of the Bharatiya Nyaya Sanhita, 2023 and Section 3 and 4 of the Dowry Prohibition Act, 1961 and under Section 3(1)(r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015).

And

In the matter of: **Apurba Bag & Ors.**

....Petitioners.

Mr. Lakshminath Bhattacharya

Mr. Subhankar Bose

....for the petitioners.

Mr. Imran Ali

Mr. Tirthankar Dhali

....for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband, the parents-in-law and the brother-in-law of the alleged victim. The present complaint has been lodged after four years of marriage and after a child was born to the couple. No prima facie case has been made out under Section 3 of the SCSTPOA Act, as the alleged utterances were not made in public view, even as per the FIR.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. However, he admits that there is no injury report present in the case diary.

As it does not appear that the alleged caste based utterances were made in public view, it does not appear that the SCSTPOA Act is

prima facie attracted. Therefore, the application for anticipatory bail is quite maintainable.

It appears that the allegations have been levelled after about four years of marriage and after the birth of a child. There is no 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 petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioners shall cooperate with investigation, shall not threaten or intimidate witnesses, the petitioner no. 1 shall meet the I.O. once a week till submission of report in final form and the petitioner nos. 2 and 4 shall meet the I.O. as and when required.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)