

15.01.2026
Sl. No.59
Ct. 28
NB

C.R.M. (A) 4169 of 2025

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 Mogra PS Case No.551/2025 dated 14.11.2025 under Sections 85/316(2)/117(2)/75(2) of the BNS, 2023.

And

In the matter of: Shibu Das & Ors.

... petitioners

Mr. Plash Bapari.

...for the petitioners.

Mr. Bidyut Kumar Roy,
Mr. Surya Basu Roy Chowdhury.

...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the other in-laws of the alleged victim. Over an incident that allegedly took place on 21.10.2025, the de facto complainant lodged the first FIR being Kalyani PS Case No.1059 dated 21.10.2025. The petitioners were granted bail in that case. Subsequently, showing the very same date being 21.10.2025, as the main date of occurrence, another application was filed under Section 175(3) of the BNSS. This led to the registration of the present FIR.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses and the injury reports. The husband was not an accused in the first FIR.

Considering the above, the other materials available in the case dairy and the fact that the two FIRs arise mainly out of the same alleged incident dated 21.10.2025, 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 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 cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner nos.1 and 7 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.)