

08.01.2026
Sl. No.27
Ct. 28
NB

CRM (A) 4228 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 Amherst Street Women PS Case No.09/2025 dated 11.09.2025 under Sections 85, 316(2), 351(2), 3(5) of the BNS, 2023 and ¾ of Dowry Prohibition Act, 1961.

And

In the matter of: Raj Jaiswal & Anr.

... petitioners

Mr. Antarikhya Basu,
Mr. Sayan Mukherjee,
Ms. Mayurakshi Saha.

...for the petitioners.

Mr. Bidyut Kumar Ray,
Ms. Puja Goswami.

...for the State.

Ms. Meena Shabnam

...for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the brothers in law of the de facto complainant. While the petitioner no.1 resides at Bangalore, the petitioner no.2 has been residing at Edinburgh. Although the last date of occurrence is shown as 07.12.2021, the FIR was registered much later on 11.09.2025. For such a delay, beyond 3 years of the date of occurrence, a preliminary enquiry ought to have been conducted as per the decision in **Lalita Kumari** reported at 2014 (2) SCC 1. However, the same was not conducted. In fact, the FIR was lodged only in the year 2025 after the petitioner could not make any headway in her matrimonial suit, for restitution of conjugal rights filed in the year 2024. The husband and the father in

law have duly complied with the notices issued under Section 35(3) of the BNSS. The petitioners had written to the Investigating Officer to give a date for virtual response to the notices.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. She submits that at the time the petitioners committed such alleged torture upon the de facto complainant, they were in India.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He further submits that the present petitioners have not fully complied with the notices issued to them.

Considering the above, the other materials available in the case diary and the alleged roles ascribed to the present petitioners, 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.

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 meet the Investigating Officer as and when required and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

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.)