30.10.2026
Sl No.34
SD
(vacation Bench)
Ct. no. 3

CRM (A) 3949 of 2026

In re: An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Harishchandrapur Police Station Case No. 1185 of 2026 punishable under Section 80/85 and 3(5) of the BNS, 2023;

And

In the matter of : Samshul Had @ Samsul Hoda Miya & Anr.

.... Petitioners

Mr. Soupal Chatterjee,
.. for the petitioners
Mr. Imtiaz Ahmed,
Md. Malik Uddin,
Mr. Manojit Chattopadhyay,
Md. Intekhab Uddin
... for the *De-facto* Complainant
Mr. Gouranga Das,
Mr. Priom Banerjee
....For the State

1. The petitioner has filed the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for anticipatory bail.
2. Learned advocate representing the petitioners submits that the allegation leveled against the petitioners in the First Information Report is that the sister of the de-facto complainant was married to one of the sons of the petitioner no. 1 and the

brother of the petitioner no. 2. It has been alleged that she was married for more than ten years. Accordingly, he submits that a case of dowry death cannot be made out against the accused persons.

3. Learned advocate representing the petitioners also submits that it has been alleged in the First Information Report that the *de facto* complainant's sister was subjected to torture, both mentally and physically, by the husband and other in-laws over various issues. He further brings to the notice of this Court that the daughter-in-law of the petitioner no. 1 and the sister-in-law of the petitioner no. 2 passed away on August 16, 2026 by committing suicide. He submits that the same is corroborated by the post-mortem report. He further submits that the principal accused, namely, the husband of the deceased, is in custody. He submits that the petitioners are migrant laborers and no case has been made out against them. They are, however, being harassed by the Police Authorities and they have reasonable apprehension of being arrested in connection with the instant case, being Harishchandrapur Police Station Case No. 1185 of 2026, dated August 16, 2026. He submits that the petitioners are willing to cooperate with the

investigation and accordingly prays for anticipatory bail on their behalf.

4. Learned advocate representing the State has handed over the case diary in connection with the instant case. He submits that the investigation is still at the initial stage. He submits that the complaint and the First Information Report clearly mention that the husband of the deceased as well as other in-laws used to subject her to torture, both mentally and physically, over various issues. He submits that there are several statements recorded under Section 180 BNSS, which corroborate the allegations made in the complaint/First Information Report. He submits that there is strong evidence and that the petitioners' application should be rejected.

5. I have heard the learned advocates representing the parties and have considered the materials on record.

6. The allegations contained in the complaint are serious and grave in nature. While it is debatable whether the offence of dowry death can be established against the accused, nonetheless there are other allegations and other offences sought to be made out against the accused persons, including

the petitioners herein. The petitioners have been named in various statements recorded under Section 180 of the BNSS. The investigation is still at an initial stage. Not much time has lapsed since the date of occurrence of the alleged offence. The charge-sheet is yet to be filed.

7. Accordingly, at this stage, I am not inclined to allow the application of the petitioners.

8. In view of the same, **CRM (A) 3949 of 2026** is dismissed.

9. The observation in this order are *prima facie* in nature and will not be binding during the course of trial.

10. Memo of evidence submitted by the State be kept with the record.

11. All parties shall act in terms of the server copy of this order downloaded from the official website of this Court.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rishad Medora, J.)