

In the Court of the Sessions Judge, Paschim Bardhaman.

Present:- Sri Debaprasad Nath,
Sessions Judge, Paschim Bardhaman.

Cr. Misc. Case No. 844 of 2026

CIS No. 844 of 2026

CNR No. WBBD150020832026

Order No.03 Dated 04-08-2026

In this Criminal Misc. Case under section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), the petitioners namely, (1) Ganesh Prasad and (2) Nilam Devi @ Neelam Devi who apprehends their arrest in connection with Asansol North P.S. Case No. 277 of 2026 dated 28-06-2026 under sections 85/115(2)/316(2)/109/3(5) of Bharatiya Nyaya Sanhita , have come up with a prayer for grant of anticipatory bail.

It is submitted by the learned Counsel for the accused/ petitioners that the present accused petitioner no.1 is father in law and accused no. 2 is the mother in law of the victim wife. According to him principal accused husband was taken into custody and subsequently released on bail. It is further submitted that custodial interrogation is not necessary of the present petitioners. Learned Advocate of the petitioners further submits that no other prayer for anticipatory bail in respect of the accused/ petitioners is pending in or rejected by any court of law.

On the other hand, learned Public Prosecutor-in-charge vehemently opposes such prayer for anticipatory bail by submitting that not only accused husband but also against the present accused petitioners CD contains allegation of torture upon the victim girl in connection with dowry demand. As such according to him custodial interrogation is necessary.

Heard the learned Counsel for the parties.

Perused the Magistrate's Court record and the materials in the case diary.

It appears that the principal accused Vishal Prasad was arrested on 29-06-2026. As per the FIR victim wife was brutally assaulted on 28-06-2026 by the husband himself and by no one else. Statement recorded under section 180 of BNSS also contains the allegation that on 28-06-2026 victim wife was brutally assaulted by only her husband. CD contains injury report. I have carefully gone through the injury report also. Considering all such materials, I am of the opinion that since the entire allegation of inflicting assault is against the husband of the wife/victim, custodial interrogation of the present accused petitioners being father in law and mother in law of the victim wife is not necessary. As such, the prayer for anticipatory bail of the accused/ petitioners is allowed.

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In the event of arrest, the petitioners, namely, (1) Ganesh Prasad and (2) Nilam Devi @ Neelam Devi be enlarged on bail of Rs.5,000/- each with one surety of like amount, to the satisfaction of the arresting officer, subject to the condition as enumerated in section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, subject to the following conditions:-

- a) that the accused persons must surrender before the Ld. Chief Judicial Magistrate, Paschim Bardhaman, within two weeks from the date of this order;
- b) that the accused persons shall deposit with the Investigating Officer of this case their original Aadhar Cards and Voter Identity cards and the Investigating Officer shall retain the same till the conclusion of investigation. However the accused persons are at liberty to approach the Ld. Chief Judicial Magistrate, Paschim Bardhaman or this Ld. Court praying for a direction for release of all those or any of the above referred documents, stating clearly the reasons for which those documents are required, and the Court concerned may release those documents after considering the report of the Investigating Officer to the effect of cooperation rendered by the accused persons during investigation;
- c) the accused persons shall cooperate with the investigation and make themselves available for interrogation whenever required;
- d) the accused persons shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- e) the accused persons shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- f) the accused persons shall not leave the territory of local P.S., without prior permission of the learned Chief Judicial Magistrate, Paschim Bardhaman, till trial is concluded;
- g) the accused persons shall maintain law and order;
- h) the accused persons shall, within one week from the date of this order, furnish all the sim card number(s) of their mobile hand set(s) stand in their name to the Investigating Officer, and, and shall not change their ordinary place of residence, as recorded in the Aadhar Cards/Voter Identity cards till the conclusion of trial. The Investigating Officer before recording the address and mobile numbers must verify that those are in fact mobile number(s) stand in the name of the accused persons;
- i) the accused persons shall regularly remain present during the trial, and cooperate the Ld. Court to complete the trial for the above offences;

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In the event of breach of any of the above conditions, both the Investigating Officer as well as the de-facto complainant are at liberty to bring into the notice of this Ld. Court, violation any of afore-mentioned conditions by the accused persons, by filing appropriate application.

The Ld. Chief Judicial Magistrate, Paschim Bardhaman, is also hereby specifically directed to obtain a report from the Investigating Officer, immediately after appearance of the accused persons with regard to the compliance of all the aforesaid conditions by the accused persons.

Case diary be returned.

The Criminal Misc. Case No. 844 of 2026 is thus disposed of.

Let a copy of this order along with the Magistrate Court's Record be sent to the Ld. Chief Judicial Magistrate, Paschim Bardhaman and also to the I.O of Asansol North P.S. Case No. 277 of 2026 dated 28-06-2026 for strict compliance of this order.

Dictated & corrected by me.

Sessions Judge, Paschim Bardhaman.

Sessions Judge, Paschim Bardhaman.
J.O. Code – WB01243