

Present: **Shri Subhankar Sen**
Sessions Judge, Nadia.

Order No.03
07.02.2026

Criminal Misc. Case No.90 of 2026

The application for anticipatory bail **U/s 482 of the BNSS** filed on behalf of accused/petitioners, namely, **(1) Sk Sahabur Rahaman, (2) Sk Tahidur Rahaman and (3) Thamina Khatun** who apprehend arrest in connection with **Dhantala P.S. Case No.1089 of 2025** dated 23.12.2025 **under Sections 85/80(2)/3(5) of the BNS, 2023** is taken up for hearing along with LCR and CD.

Heard Learned Advocate for the accused/petitioners as well as Learned Public Prosecutor.

At the outset, Learned Advocates of both sides state that no similar bail application is preferred, pending before or rejected by any Higher Court of law.

Learned Advocate for the accused/petitioners, while moving the anticipatory bail application under section 482 of the BNSS, submits before the Court that the present accused/petitioners are the husband and other inmates of in-laws house of the victim and they have been falsely implicated in this case, having no such nexus. The allegations are levelled against the accused/petitioner no.1, being the husband and there is as such no allegation against the other two petitioners. The victim was living with her husband separately in a rented house, prior to the incident. She committed suicide at her father's house, owing to the family dispute between husband and wife. So, on any condition, prayer for anticipatory bail should be allowed.

On the other hand, Learned Public Prosecutor vehemently opposes the prayer for anticipatory bail under Section 482 of the BNSS contending, *inter-alia*, that the accused/petitioners, being the husband and other inmates of in-laws house of the victim, used to commit persistent mental and physical torture upon the deceased, due to non-fulfillment of demand of dowry and other reasons. The marriage took place between them only 1.5 years before her death. Materials in the CD duly support the prosecution case under section 85/80 of the BNS against these accused persons. So, he has prayed for rejection of the anticipatory bail application.

Learned Advocate for the defacto complainant appears before the Court by filing Vakalatnama and prays for rejection stating that there is previous case lodged by the victim, since deceased, during her life time, against the present accused persons under sections 85/109 of the BNS and out of settlement between the parties, they were granted bail by the Learned Court below, although their anticipatory bail under section 482 of the BNSS had been rejected by this Court.

Considered the respective submissions.

Perused the materials on record and CD.

I have heard the submissions of all sides, as aforesaid in respect of their respective submissions in favour of and against the instant application, filed under section 482 of the BNSS, by the accused/petitioners, above named.

Before going to deal with the merit of this case, some cogent factors are required to be mentioned here, which are the essence of this case, to the extent that arising out of the **Dhantala P.S. Case No.277 of 2025** dated 19.04.2025 under Sections 85/89/74/109/316(2)/351(2)/3(5) of the BNS, 2023, this Court had the occasion to deal with another application under Section 482 of the BNSS in connection with Criminal Misc Case No.842 of 2025 filed by the accused persons, namely, **(1) Mosamant Sahanara Begum @ Sahanar Begum, (2) Sk Tahidur Rahaman @ Tohidur, (3) Thamina Khatun @ Tahamina and (4) Sekh Ajijur Rahaman**, being the inmates of in-laws

house of the selfsame daughter of the defacto complainant, on the ground of allegations that the daughter of the defacto complainant was married on 28.01.2024 with Sk Sahabur Rahaman and it was alleged that since after the marriage, she was immensely tortured, both mentally and physically. by her husband and other FIR named accused persons, owing to the non-fulfillment of demand of dowry.

In the meanwhile, the said victim got pregnant and due to such physical torture by the accused persons, the child in her womb was nipped into the bud.

Thereafter, she was compelled to take shelter at her poor parents house and considering the materials in the CD of the aforesaid case, this Court was pleased to allow the anticipatory bail prayer to the accused/petitioner no.4, namely Sekh Ajijur Rahaman on the ground of his old age and reject the anticipatory bail prayer under section 482 of the BNSS of accused persons, namely, (1) Mosamant Sahanara Begum @ Sahanar Begum, (2) Sk Tahidur Rahaman @ Tohidur, (3) Thamina Khatun @ Tahamina, in terms of order dated 19.05.2025.

Now, while considering the pre-arrest bail prayer of the accused/petitioners, above named, arising out of **Dhantala P.S. Case No.1089 of 2025** dated 23.12.2025 **under Sections 85/80(2)/3(5) of the BNS, 2023**, it was brought to the notice of this Court by the Learned Public Prosecutor and also by the Learned Advocate appearing on behalf of the defacto complainant that in utter suppression of the aforesaid rejection of the anticipatory bail prayer under Section 482 of the BNSS of the aforesaid three accused persons in connection with Criminal Misc Case No.842 of 2025, they surrendered before the concerned Learned Jurisdictional Court i.e. Learned ACJM, Ranaghat, on the ground of subsequent development that the matter has been amicably settled between the parties out of Court and accordingly, the aforesaid three accused persons, in respect of whom the anticipatory bail prayer under section 482 of the BNSS was rejected by this Court on 19.05.2025, were enlarged on bail by the Learned ACJM, Ranaghat, vide order dated 04.06.2025, **which is against all the norms and judicial protocol and hierarchy.**

Now, the fact remains that while dealing with the present anticipatory bail application under section 482 of the BNSS, in connection with **Dhantala P.S. Case No.1089 of 2025** dated 23.12.2025, it appears that the selfsame victim, being the daughter of the defacto complainant, immediately after the said alleged compromise being effected, committed suicide by hanging.

It is submitted on behalf of the Learned Advocate for the instant accused/petitioners, above named, that after the said compromise being effected, the accused/petitioner no.1, above named, took the victim to a separate mess, away from his paternal house and thereafter, the said suicide took place and therefore, there is no liability of the accused/petitioner nos.2 & 3, above named, or that they had any role in the said suicide by the victim and therefore, they should be granted anticipatory bail under section 482 of the BNSS.

It is also submitted by the Learned Advocate for the instant accused/petitioners, above named, that this has got no connection whatsoever from the earlier case and therefore, earlier rejection of anticipatory bail of the accused persons, does not lay any emphasis on the present merit of the application under section 482 of the BNSS.

Having considered the submissions, advanced by both, from the end of the Learned Public Prosecutor and Learned Advocate for the defacto complainant as well and after going thought the materials in the CD, I strongly discard the said submission of the Learned Advocate for the

accused/petitioners and I strongly feel that the said commission of suicide by the victim, that too, within a span of one and a half years of her marriage, is nothing but the culminating effect of the FIR and rather the instant offence compelled the daughter of the defacto complainant to lodge **Dhantala P.S. Case No.277 of 2025** dated 19.04.2025 under **Sections 85/89/74/109/316(2)/351(2)/3(5) of the BNS.**

Therefore, it is a fit case which shows that there has been persistent demand of dowry followed by immense mental and physical torture, which ultimately led the victim to extricate herself from the clutches of such torture by committing suicide.

There has been allegation of theory of influence made against the husband, being the accused/petitioner no.1, above named.

So, considering the aforesaid facts, I strongly feel that this is a fit case for custodial interrogation of the accused/petitioners, above named, for the sake of investigation.

Hence, the prayer for anticipatory bail under section 482 of the BNSS stands **rejected.**

CD and LCR in respect of Dhantala PS Case No.277 of 2025 dated 19.04.2025 and No.1089 of 2025 dated 23.12.2025 be returned.

Let a copy of this Order be forthwith sent to the Learned ACJM, Ranaghat, Nadia, for submission of explanation within fifteen days from the date of receipt of this Order, as to why the entire matter shall not be referred to the Hon'ble High Court, Calcutta, for drawing legal action against the breach of judicial protocol and hierarchy.

To 23.02.2026 for explanation from the concerned Court.

Dictated & Corrected by me

Sd/- Subhankar Sen
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