

10.06.2022.  
82.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (A) 2470 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sagarpara P. S. Case No.51 of 2022 dated 16.03.2022 under Sections 448/376 of the Indian Penal Code.

In the matter of : Anarul Sk.

.... Petitioner.

Ms. Minoti Gomes,  
Mr. Jisan Iqubal Hossain.

...for the Petitioner.

Mr. Bidyut Kr. Roy,  
Ms. Sima Biswas.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is contended on behalf of the petitioner that the incident occurred at the matrimonial home of the victim lady. Allegations are out and out false and patently absurd.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Incident occurred in the matrimonial home of the lady. No inmate or neighbour was examined Allegation of forcible rape is to be assessed in the light of the attending facts and circumstances of the case.

Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation of the petitioner is not necessary but he

requires to co-operate with the investigation of the case in accordance with law.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders.

This application for anticipatory bail is, thus, disposed of.

**(Ananya Bandyopadhyay,J.)**

**(Joymalya Bagchi, J.)**