

17.06.2022
Sl. No.126
akd
[ALLOWED]

C. R. M. (A) 2813 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.06.2022 in connection with Kaliganj Police Station Case No. 221 of 2022 dated 13.04.2022 under Sections 448/376/325/506/34 of the Indian Penal Code.

And

In Re: **Karim Sk.**

... .. Petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

... .. for the petitioner

Mr. Angshuman Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that the allegation of forcible rape is patently absurd.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including statement of the victim lady. Incident occurred at the residence of the victim lady where her children were present. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances during trial. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Karim Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the

petitioner shall appear before the court below and pray for regular bail within four weeks from date.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)