

30.09.2022

sl. 24

Dd

Allowed

CRM (A) 4711 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **377** of **2022** dated **03.09.2022** under Sections **448/376/323** of the Indian Penal Code.

And

In Re : Shubhankar Sarkar petitioner

Mr. Kalidas Saha

.....for the petitioner

Mr. Prasun Bhattacharya,
Mr. Suman Saha,

....for the State

Petitioner is the brother-in-law of the victim housewife. It is contended that he has been falsely implicated due to matrimonial dispute. He prays for anticipatory bail.

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

We have considered the statement of the victim lady. Allegation of rape relates to an incident in 2012. There is inordinate delay in lodging the first information report. The first allegation of rape relates to 2012. No complaint was lodged with regard to the said incident. Even with regard to the allegation in July 2022 there is more than a month's delay in lodging the first information report.

In view of the aforesaid circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary. Petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall 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 be 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 a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)