

13.08.2024
SL No.28
Court No.29
(gc)
(Allowed)

CRM (A) 2551 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Jalangi Police Station Case No.155 of 2024 dated 20.05.2024 under Sections 376/417/379/506 of the Indian Penal Code.

And

In the matter of : **Rahim Sk. @ Rahim Sekh**

- Petitioner.

Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain

....For the Petitioner.

Mr. Binoy Kumar Panda,
Mr. Subhajit Chowdhury

... For the State.

Mr. Kingsuk Mondal,
Mr. Partha Sarathi Mondal

....For the Victim.

1. The learned Counsel for the petitioner submits that in order to pressurise the petitioner to withdraw the complaint lodged against the husband and other family members of the complainant in Raninagar Police Station Case No.437 of 2021 dated 1st October, 2021 under Section 498A of the Indian Penal Code, a false complaint has been lodged by the sister-in-law of the daughter of the present petitioner.
2. The learned Counsel for the State has produced the case diary and in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C. and Section 161 Cr.P.C. of independent witnesses.
3. Considering the materials available in the case diary and having regard to the fact that the sister-in-law of the daughter of the petitioner has lodged an earlier complaint in the year 2021 against the husband and other family members of the

complainant on 1st October, 2021 under Section 498A I.P.C. and the trial had commenced, it is incomprehensible at least prima facie that the sister-in-law of the daughter of the petitioner would visit the place of the petitioner and as claimed to have been ravished. Moreover, the statement of the independent witnesses recording under Section 161 Cr.P.C. apparently contradicts the statement of the victim and we have been informed that the charge-sheet has already been filed, chance of false implication of the petitioner cannot be ruled out.

4. On such consideration, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rahim Sk. @ Rahim Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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 corresponding to Section 482 (2) of the BNSS, 2023.
6. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad in connection with G.R. Case No.2560 of 2024 within two weeks from date.
7. It is further directed that the petitioner shall appear each and every date of hearing before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

8. Accordingly, the application for anticipatory bail is disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)