

09.09.2024
SL No.30
Court No.29
(gc)
(Allowed)

CRM (A) 3160 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sagarpara Police Station Case No.190 of 2024 dated 21.05.2024 under Sections 452/323/354B/376/379/506 of the Indian Penal Code.

And

In the matter of : **Tutul Sk. @ Sofikul Islam**

- Petitioner.

Mr. Jisan Iqubal Hossain

....For the Petitioner.

Ms. Rituparna De Ghose,

Ms. Pallavi Priyadarshini

... For the State.

1. In spite of service, the victim is not represented.
2. Affidavit-of-service filed in Court is taken on record.
3. The dispute is arising out of a loan transaction. It is alleged that the petitioner had forceful physical relationship with the victim. The victim is a married lady. The learned Counsel for the petitioner submits that in order to avoid payment of loan amount, a false complaint has been lodged.
4. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the case diary and the statement of the victim recorded under Section 164 of the Cr.P.C.
5. Considering the nature of the dispute, *prima facie*, we are of the view that the possibility of falsely implicating the petitioner could not be completely ruled out, we are inclined to grant anticipatory bail to the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Tutul Sk. @ Sofikul Islam**, 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 Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. once in a week till the submission of the final report.
7. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad in connection with G.R. Case No.2564 of 2024 within two weeks from date.
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.)

(Shampa Dutt (Paul), J.)