

06.11.2024
Sl. No.8
akd
[ALLOWED]

C. R. M. (A) 3614 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.09.2024 in connection with Islampur Police Station Case No.467 of 2024 dated 18.05.2024 under Sections 376(2)(n)/379 of the Indian Penal Code. (G.R. Case No.1447 of 2024)

And

In Re: ***Bikash Biswas***

... .. Petitioner

Mr. Amit Roy
Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Partha Pratim Das
Ms. Sudeshna Das

... .. for the State

1. It is submitted on behalf of the petitioner victim is a major and a married woman. She had intimate relationship with the petitioner. Subsequently petitioner was falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits victim was in the family way when she had been raped.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. It appears from her statement petitioner was known to her. On his insistence she accompanied him to a friend's place where it is alleged she was raped. Thereafter, she was taken to the petitioner's residence and detained for two days. She was raped there too. Then she accompanied the petitioner to Kolkata and they cohabited together. Credibility of the allegation of forcible rape requires to be assessed during trial in light of the aforesaid facts namely,

continuous movement of the victim with the petitioner without protest from one place to another. Statement of the victim has already been recorded before Magistrate.

5. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner is not necessary for progress of investigation and he may be granted anticipatory bail.

6. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Bikash Biswas**, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)