

04.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3669 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 in connection with Ratua Police Station Case No. 377 of 2024 dated 03.07.2024 under Sections 451/376/379/506 of the Indian Penal Code.

In Re: Arun Mandal

... .. Petitioner

Mr. Bibaswan Bhattacharya,
Ms. Jenifar Alam Megha.

... .. for the petitioner

Mr. Sukanya Bhattacharya,
Mrs. Manasi Roy

... .. for the State

Mr. Somnath Adhikary.

...for the de-facto complainant.

1. Petitioner submits he is a relation of the victim lady and has been falsely implicated over property dispute.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the victim submits she was forcibly raped.
4. We have perused the materials on record including statement of victim. She claims petitioner had broken the door and trespassed into the house at midnight. No one was present in the house. Victim resides with her family members at the matrimonial home. Credibility of her version that no one was present in the house at midnight requires to be thrashed out at the appropriate stage of the proceeding. Possibility of false implication owing to property dispute cannot be ruled out. In

this backdrop, we are of the opinion custodial interrogation of the petitioner is not necessary.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

8. Accordingly, we direct that in the event of arrest, the petitioner viz., Arun Mandal be released on bail upon furnishing a bond of Rs.10,000/-, 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 petitioner while on bail shall meet the Investigating Officer once in a week until further orders. He shall appear before the court below and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)