

05.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3766 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 Malda Police Station Case No. 397 of 2024 dated 15.06.2024 under Sections 498(A)/376(f)(n)/506/34 of the Bharatiya Naya Sanhita.

In Re: Serajul Hoque

... ... Petitioner

Mr. Arup Kumar Bhowmick.

... ... for the petitioner

Mr. Arani Bhattacharyya.

... ... for the State

1. Petitioner submits he is the brother-in-law of the victim lady and has been falsely implicated due to matrimonial discord. He prays for anticipatory bail.

2. Learned lawyer for the State submits petitioner had forcibly raped the victim. He opposes the prayer for bail.

3. We have considered the materials on record including the statement of the victim before learned Magistrate. Victim alleged she had been raped by her brother-in-law, that is, the petitioner. However, she has not stated the date and time when the incident occurred. Credibility of the allegation must be tested from this perspective at the appropriate stage of the proceeding. Possibility of false implication owing to matrimonial discord cannot be ruled out.

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

5. Accordingly, we direct that in the event of arrest, the petitioner viz., Serajul Hoque 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. He shall appear before the court below and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)