

07.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3767 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 Nandakumar Police Station Case No. 491 of 2023 arising out of G.R. No. 3830 dated 13.11.2023 under Sections 376/417/ of the Indian Penal Code, 1860.

And

In Re: Sk. Habibul

... ... Petitioner

Mr. Sk. Anwar Ali.

... ... for the petitioner

Mr. Sukanya Bhattacharya,
Mr. Samarjit Balial

... ... for the State

Mr. Debabrata Ray,
Ms. Sarbani Mukhopadhyay.

... ... for the de facto complainant

1. Petitioner contends allegation of forcible rape is false. There is no material to show he had taken obscene photographs and circulated it. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. Learned lawyer for the *de facto* complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record. Statement of the victim and other materials show she is a married lady. Petitioner had cohabited with her on the promise of marriage. It is difficult to appreciate how a married lady was persuaded to cohabit with the petitioner on the promise of marriage. Be that

as it may, there is no material to show she had been blackmailed on the threat of circulating obscene videos.

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

6. Accordingly, we direct in the event of arrest, the petitioner viz., **Sk. Habibul** 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 jurisdictional court 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.)