

13.11.2024
Sl. No.5
akd
[ALLOWED]

C. R. M. (A) 3815 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 03.10.2024 in connection with Berhampore Police Station Case No.1375 of 2024 dated 13.09.2024 under Sections 329(4)/64/62 of the Bharatiya Nyay Sanhita, 2023. (G.R. Case No.4807 of 2024)

And

In Re: ***Riyajul Haque @ Riajul Haque***

... .. Petitioner

Md. Mokaram Hossain

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Asif Dewan

... .. for the State

1. Petitioner is the brother-in-law of the victim lady. It is submitted on behalf of the petitioner that he has been falsely implicated over a family dispute. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. She alleges petitioner entered into her room when she was sleeping. Possibility of false implication due to family dispute cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner is not necessary and he may be granted anticipatory bail.
5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely ***Riyajul Haque @ Riajul Haque***, 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 jurisdictional court 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.)