

05.11.2024
14
as
[ALLOWED]

C. R. M. (A) 3761 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No. 142 of 2024 dated 20.02.2024 under Sections 354C/354D/376(2)(N)/509/506 of the Indian Penal Code.

In Re: ***Najrul Islam***

... .. Petitioner

Mr. Afsar Ali.

... .. for the petitioner

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Manasi Roy.

... .. for the State

1. Petitioner submits there was an intimate relationship between him and the victim lady. Subsequently, the relationship soured and he has been falsely implicated. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. We have perused the materials on record. Victim lady alleges on 03.12.2023 petitioner had forcibly cohabited with her and had made a video which was circulated among local people. It may not be out of place to note on 05.12.2023 petitioner and the victim had been caught in a compromising position by police. Moreover, she had lodged an FIR alleging she had gone to the chamber of the petitioner and while returning some local people had disrobed her, made videography of the incident and circulated it.

4. These materials improbabilise the fact that the petitioner had forcibly raped the victim and blackmailed her to commit repeated sexual intercourse. It may not be out of place to note no obscene video of the victim has been seized in course of investigation.

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

6. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Najrul Islam*** 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 BNSS 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)