

25.11.2024
09
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 3931 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Debra Police Station Case No. 401 of 2024 dated 25.06.2024 under Sections 498(A)/323/307/376/34) of the Indian Penal Code and Sections 3/4 of the D.P. Act.

And

In Re: **Sk. Shahid Ali.**

... .. Petitioner

Mr. Golam Mastafa,
Mr. Samirul Sardar.

... .. for the petitioner

Mr. Zubair Alam,
Mr. Asif Dewan.

... .. for the State

1. Petitioner submits he is the husband of the victim lady. Victim withdrew from the maternal home. Allegation of rape is out and out false. He has been falsely implicated. He prays for anticipatory bail.

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

3. We have considered the materials on record. Victim lady stated before Magistrate on 20.05.2024 5-6 unknown persons came to the residence of her sister (where she had taken refuge after being driven out from the maternal home) and had raped her with the aid of her husband i.e. the petitioner. Her statement is neither corroborated by her sister nor by the medical report.

4. In view of the aforesaid circumstances false implication of the petitioner cannot be ruled out and we are inclined to grant anticipatory bail to him.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Sk. Shahid Ali** 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)