

18.11.2024
23
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 3936 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 G.R. (NS) No. 638/24 arising out of Muchipara Police Station Case No. 134 dated 04.10.2024 under Sections 126(2)/74/76/115(2)/79/54 of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Bijit Sarkar**.

... ... Petitioner

Mr. Ayan Bhattacharjee,
Mr. Shounak Mondal,
Mr. Suman Majumder

... ... for the petitioner

Mr. Saryati Santra,
Ms. Ayana Dey.

... ... for the State

1. Petitioner submits the instant case arose out of a landlord-tenant dispute. Allegation of outraging modesty and/or disrobing the lady is an embellished one. He prays for anticipatory bail.

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

3. We have considered the materials on record. Matter arose out of a landlord-tenant dispute. Possibility of false implication owing to prior enmity cannot be wholly ruled out. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct that in the event of arrest, the petitioner viz., **Bijit Sarkar** 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)