

26.11.2024
06
as
[ALLOWED]

C. R. M. (A) 3967 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sagarpara Police Station Case No. 184 of 2024 dated 19.05.2024 under Sections 498A/323/376/511/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In Re: **XXX**.

... .. Petitioner

Mr. Tapodip Gupta.

... .. for the petitioner

Mr. Prasun Kr. Dutta, Id. A.P.P.,

Mr. Sourath Nandy.

... .. for the State

1. It is contended there was a matrimonial dispute between de-facto complainant and brother of the petitioner. There is delay in lodging the First Information Report. Accordingly, he prays for bail.

2. Learned Advocate for the State contends petitioner had attempted to rape his sister-in-law.

3. We have considered the materials on record. There was a matrimonial dispute between de-facto complainant and her husband. Petitioner is her brother-in-law. Allegation of attempt to rape has to be assessed in light of the inordinate delay in lodging the First Information Report. Possibility of exaggeration and/or false implication owing to prior enmity cannot be ruled out. Investigation is complete. Custodial interrogation of the petitioner is not necessary.

4. Under such circumstances, we are inclined to grant anticipatory bail to him.

5. Accordingly, we direct that in the event of arrest, the petitioner 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. 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.)