

27.11.2024
Sl. No.14
akd
[ALLOWED]

C. R. M. (A) 4013 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 11.11.2024 in connection with Bhutni Police Station Case No.158 of 2024 dated 21.07.2024 under Sections 329(4)/115(2)/64(1)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.5124 of 2024)

And

In Re: ***Tanmay Mondal***

... .. Petitioner

Mr. Arup Kumar Bhowmick
... .. for the petitioner

Mr. Prasanta Kumar Pakrashi
... .. for the de-facto complainant/
victim

Mr. Antarikhya Basu
Mr. Ratul Ghosh
... .. for the State

1. It is submitted on behalf of the petitioner there is a dispute between two families. Allegation of rape is an embellishment. There is delay in lodging FIR. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant/victim also opposes the prayer for anticipatory bail. He submits petitioner had forcibly raped the victim.
4. We have considered the materials on record including the statement of the victim lady. She stated on the fateful day i.e. 18.07.2024 she was sleeping in her room. Due to hot weather the door was kept open. Petitioner trespassed into the room and raped her. She raised hue and cry. Her sister-in-law intervened. However, post-occurrence conduct of the victim lady and her sister-in-law raises doubt

with regard to credibility of the allegation regarding forcible rape. After the occurrence instead of approaching police authority, they went to the house of the mother of the de-facto complainant presumably for negotiations. Credibility of the allegation regarding forcible rape requires to be assessed in light of the aforesaid circumstances at the appropriate stage of the proceeding.

5. In this backdrop, we are of the opinion though custodial interrogation of the petitioner is not necessary, we intend to impose restrictions on movement of the petitioner in order to instil confidence in the minds of the victim and her family members.

6. Accordingly, we direct in the event of arrest, the petitioner, namely, ***Tanmay Mondal***, 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 not enter the jurisdiction of Bhutni Police Station until further orders. He shall appear before the jurisdictional court 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.)