

09.12.2024
Sl. No.31
akd
[ALLOWED]

C. R. M. (A) 4103 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 12.11.2024 in connection with Balurghat Police Station Case No.500 of 2024 dated 27.06.2024 under Sections 498A/323/376/363/506/34 of the Indian Penal Code. (G.R. Case No.1231 of 2024)

And

In Re: ***Prahit Barman***

... .. Petitioner

Mr. Kaushik Choudhury
Ms. Munmum Dutta

... .. for the petitioner

Ms. Afreen Begum

... .. for the de-facto complainant

Md. Zubair Alam
Mr. Arup Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is the brother-in-law of the victim lady. It is further submitted owing to matrimonial dispute, petitioner has been falsely implicated. 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 also opposes the prayer for anticipatory bail.
4. We have considered the materials on record including the statement of the victim lady. In her statement, she alleges two years prior to registration of FIR, she had been sexually exploited. No contemporaneous report was lodged with the police. Further allegation with regard to contemporaneous sexual exploitation is also bereft of date and time. On the other hand, possibility of false implication owing to matrimonial discord cannot be ruled out. Under such circumstances,

we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the petitioner, namely, ***Prahit Barman***, 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 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.)