

27.11.2024

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Allowed

C.R.M. (A) No. 4133 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Hariharpara Police Station Case No. 696 of 2024 dated 03.10.2024 under Sections 85/351(3)/179/76/64/62/115(2)/117(2)/3(5) of the BNS read with Section 4 of the Dowry Prohibition Act.

And
In Re : Soriful Sk. @ Sariful Islam petitioner

Mr. Navanil De
Mr. Shoumilya Mazumder
.....for the petitioner

Ms. Shaila Afreen
Ms. Debjani Sahu
....for the State

1. Learned Counsel for the petitioner submits there is delay in lodging FIR. It is contended allegation of attempt to rape the victim lady is an embellishment. Accordingly, he prays for anticipatory bail.

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

3. We have considered the materials on record including the statement of victim lady. Victim's husband had deserted her and married for the second time. Petitioner is her elder brother-in-law. It is alleged he had attempted to rape the victim and she took refuge at her parental home. Neither FIR nor in her subsequent statement she specifically states the date

and time of the incident occurred. There is delay in lodging FIR. Possibility of false implication owing to her grievances against her husband and in-laws cannot be ruled out. Accordingly, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)