

10.12.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (A) 4213 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 26.11.2024 in connection with Nowda Police Station Case No.249 of 2024 dated 16.09.2024 under Sections 448/376 of the Indian Penal Code. (G.R. Case No.4860 of 2024)

And

In Re: **Mirajul Mondal**

... .. Petitioner

Mr. Somnath Adhikary

... .. for the petitioner

Mr. Prasun Kumar Dutta .. Id. Addl. Public Prosecutor
Mr. Tirthankar Dhali

... .. for the State

1. It is submitted on behalf of the petitioner there was monetary dispute between the parties. It is further submitted petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner tried to rape the pregnant lady.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. In her statement, victim alleged petitioner had raped her four months ago. No contemporaneous complaint was filed. Subsequently, on 10.09.2024 it is alleged petitioner again tried to rape her. Credibility of her allegation requires to be assessed in light of prior enmity at the appropriate stage of the proceeding. However, keeping in mind the prior conduct of the petitioner, we are of the opinion his custodial interrogation is not necessary and he may be granted anticipatory bail.
5. Accordingly, we direct in the event of arrest, the petitioner, namely, **Mirajul 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 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.)