

13.12.2024

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Allowed

C.R.M. (A) No. 4335 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Nabadwip Police Station Case No. 585 of 2024 dated 09.09.2024 under Sections 127(2)/351(2)/64 of the BNS.

And

In Re : Santanu Hazra petitioner

Ms. Busra Khatun

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Ms. Nahid Ahmed

....for the State

1. Learned Counsel for the petitioner submits allegation of forcible rape is false. He prays for anticipatory bail.

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

3. In spite of notice nobody appears for the victim.

4. We have examined statement of the victim. She stated she had taken loan from a bank. Petitioner was a collection agent. She got acquainted with the petitioner and asked him to arrange for employment. On such score petitioner came to her residence and raped her. Thereafter she was taken to Haryana and from there she returned. Allegation of forcible rape at the victim's residence is bereft with material particulars with regard to date and time. Possibility of cohabitation owing to close association which had developed earlier cannot be ruled out. Under such circumstances we are of the opinion custodial

interrogation is not necessary and petitioner may be granted anticipatory bail.

5. 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, 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.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)