

13.12.2024
Sl. No.28
akd
[ALLOWED]

C. R. M. (A) 4378 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.12.2024 in connection with Palashipara Police Station Case No.434 of 2024 dated 30.08.2024 under Sections 115(2)/62/64/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: **Ahed Ali @ Rahit Ali Sk.**

... .. Petitioner

Mr. Asraf Mandal

... .. for the petitioner

Mr. Atif Ahmed Siddiqui

... .. for the State

1. Heard learned Advocates for both the parties.
2. In spite of notice, nobody appears for the victim.
3. We have considered the materials on record. There is delay in lodging FIR. Credibility of the allegation regarding attempt to rape requires to be assessed in light of the aforesaid circumstances during trial. Under such circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.
4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Ahed Ali @ Rahit Ali Sk.**, 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.

5. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)